

# THE NEW SOVIET CONSTITUTION

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A STUDY IN SOCIALIST DEMOCRACY

BY  
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## INTRODUCTION

"THAT which millions of honest folk in capitalist lands have dreamed of, and still dream of, already exists in the USSR." Such was the claim made by Stalin on November 25, 1936, in his report to the Constitutional Congress, meeting in the Kremlin Palace in Moscow. He added the further assertion that the new Soviet Constitution is "the only consistently democratic constitution in the world."

It is clear that this claim, if substantiated, marks a new stage for humanity, a dividing line between two epochs. The two thousand and sixteen delegates who sat in the white marble hall under a flooding electric brilliance had no doubt that they were making history. Their faces were serious, yet exultant, full of triumphant purpose. "With golden letters our Constitution is written in the history of mankind," said a blacksmith delegate. "We were lifted to a great height and saw the whole path of our future," a Leningrad deputy wrote home to his wife.

Throughout the Soviet Union and far beyond its borders, tens of millions of people listened by radio to the discussion. Telegrams poured in to *Pravda*, the official organ of the Communist Party, from people who heard Stalin's report by radio—scientists wintering on Dixon Island in the Arctic, farmers in the Ukraine and Central Asia, workers'



clubs in hundreds of factories, a submarine crew in the Black Sea. Great mass-meetings in Soviet cities listened in to the Congress; meetings in England, France, Barcelona heard it.

Opinions of representative people throughout the world confirmed the historic importance of the Constitution thus adopted. Only in the fascist lands was there silence or a sneer. "Potemkin villages," said the official Nazi press, implying that a Constitution which had been discussed for five months by one hundred and seventy million people was an empty promise. "A new Comintern dodge," cried the *Angriff*.

The representatives of the world's democratic forces, however, agreed on the importance of the new document. "Mankind's greatest achievement," said Mrs. Sun Yat-sen in far-away China. "The most promising event since the World War," said U. S. Congressman Amlie. Pierre Cot, French Minister of Aviation, spoke of the "fullest application of democratic principles." "A step towards that happiness of mankind for which the best of humanity have yearned so long," said a former Minister of Social Welfare from Austria. "The most outstanding feature is the guarantee of the right to work. No other country is in a position to do this," said Major Attlee, parliamentary leader of the British Labor Party.

From the dark night of Madrid, bombed from the air and shelled from the ground, the journalist Michael Koltzov hailed the Constitutional Con-

gress as the "world's beacon-light." From the placid Lake of Geneva the veteran author Romain Rolland telephoned to *Radio News*: "This is the establishment of real democracy, one which is possible only in a classless society. This is giving life to the great slogans which till now were but dreams of mankind—liberty, equality, fraternity."

Many of the comments contrasted the recession of democracy in the rest of the world with its advance in the USSR. A well-known British lawyer and Member of Parliament, D. N. Pritt, found the appearance of the Soviet Constitution especially remarkable at the present time "just as political and personal liberty everywhere else in the world are at the lowest ebb known for many decades, and are obviously likely to suffer still further in future." To this may be added the comment of Norman Angell: "It may be the fate of Russia not only to prove to the world that socialism can be made to work, but actually to save political democracy for mankind as well."<sup>1</sup>

This book is an attempt to describe briefly and simply the history, contents and significance of the new Soviet Constitution which has aroused such response throughout the world. It contains also a translation of that Constitution, annotated with reference to six other translations.

<sup>1</sup> Pritt, Angell, Attlee quoted from *The Draft Constitution of the Soviet Union*, annotated by Pat Sloan, with an introduction by Sidney Webb and forewords by H. J. Laski, Norman Angell and others (Lawrence and Wishart, 1936); the others from the world press, collected by *Moscow Daily News*.

## TABLE OF CONTENTS

CHAPTER	PAGE
I. THE DILEMMA OF MODERN DEMOCRACY . . .	I
II. THE BEGINNINGS OF SOVIET DEMOCRACY . . .	19
III. THE PEOPLE MAKE A CONSTITUTION . . .	43
IV. THE FORMS OF THE SOCIALIST STATE . . .	65
V. THE NEW RIGHTS OF MAN . . . . .	91
CONSTITUTION (BASIC LAW) OF THE UNION OF SOVIET SOCIALIST REPUBLICS . . . .	119
CHIEF CHANGES FROM PREVIOUS SOVIET CON- STITUTIONS . . . . .	163



## CHAPTER I

### THE DILEMMA OF MODERN DEMOCRACY

THE fight for political freedom comes to us down the generations. For the past century and a half it has steadily become a world-wide fight. The beginnings of this struggle go back indeed much further. The rise of modern commerce and industry in England of the seventeenth century brought the first rift in the feudal system, till then universal in Europe. The demand launched by the Levelers for a government elected by and responsible to the people overthrew a king by turbulent, bloody revolution and established the world's first popularly elected parliament.

For a hundred years the tides of this struggle ebbed and flowed across a single island country. Then the American War for Independence in 1775, swiftly followed by the French Revolution in 1789, shook throughout the whole of the then civilized world—Europe and America—the concept of authoritarian rule. For the divine right of kings was substituted the new revolutionary theory of the sovereign right of the people, a doctrine as shocking to the privileged classes in that day as the dictatorship of the proletariat is in ours.

The holders of this new theory were also the

bearers of economic progress. They were the rising forces of modern capitalism demanding the freedom of private enterprise—to buy and sell, to grab and hold, to invest and expand—against entrenched and throttling feudal privilege. They set the right to a secure and mobile private property against the rigid division of society into feudal “Estates.” They demanded “free workers,” by which they meant workers not tied to the soil but able to sell their labor power for specific periods and from place to place. They saw these needs glowingly as the right to “life, liberty and the pursuit of happiness,” and held that these “natural rights” took precedence of government. In the name of these rights they overthrew existing governments and set up new ones, in which the right of individual enterprise was assumed as antecedent to the state.

These were the democratic governments. The countries in which they first arose were also the most progressive economically. They were pace-makers of progress; they were followed by the rest of the world. Through a century and a half of wars and revolutions—the Napoleonic wars, the revolutions of 1848, down to the Weimar Constitution and the rise of Chinese nationalism—it seemed that the field of democracy was steadily widening and that it might come by an uninterrupted process to embrace the world.

Yet today, after more than a century and a half in which democracy, in varying forms and degrees,

has expanded across the earth, we find its fundamental values called in question more than at any time in a hundred years. They are challenged both practically and theoretically. In a score of countries during the past decade the forms of democracy have been crushed by the rise of fascist or semi-fascist dictatorships. Accompanying these dictatorships arise also their justifying theoreticians, ranging from those who merely denounce democracy as inefficient to those who develop a biology of ruler-races and a metaphysic of the totalitarian state whose citizens have no “rights” but only “functions.”

Are we seeing the eclipse of democracy? Certainly we see its recession or overthrow in many lands. Yet in other lands—in Spain today—we see great hosts of men and women arising to defend it, with a passion to which the older democracies are cold. Has democracy then been tried and failed in its older strongholds? Or has it never been adequately tried? Is this flaming hope that arouses the newer nations nothing more than our ancient, somewhat disillusioned dream? Have we fallen short of the high calling of the founding fathers? Or was there some flaw in democracy even with them?

If we read the declarations made by these founders, we find words that have served as a clarion call to freedom for one hundred and fifty years. “We hold these truths to be self-evident, that all men are created equal, that they are endowed by



their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed." So run the memorable words of the Declaration of Independence of the United States of America.

As soon as we analyze these words calmly, we find that they state an aspiration rather than a fact or a guarantee. In the everyday world, men are clearly not "created equal," and whatever rights they possess to life, liberty and the pursuit of happiness are constantly being "alienated" both within and without the law. Governments daily assume powers to which the response of many of the governed is not consent but protest. In short, the inspiring words of the Declaration of Independence do not describe any condition that ever existed, nor do they guarantee the existence of such a condition. They assert only the right to fight for its attainment against any and all hampering pressures. They are a war cry for the right of human beings to life, liberty and the pursuit of happiness against the crippling power of an outworn economic and political system. As such the words are immortal, arising again through the ages.

When we look beyond the inspiring war cry of the Declaration of Independence to the concrete conditions of that early America we find that a flaw existed, even in the democracy of the founding fathers, which was destined to grow more no-

ticeable with the years. Essential economic inequality was inherent in the whole system of private property on which that early democracy was based. This economic inequality was reflected in a political inequality contrasting sharply with the universality of the revolutionary slogans. Property qualifications for voting prevailed in the American colonies, and still higher amounts of property were required for office-holders. Disfranchised farmhands and workmen bore indeed the brunt of the revolutionary struggle; but leadership lay in the hands of rising American business men. Theirs was the coming rule. The first concrete translation of that vague demand for life, liberty, happiness was a quite different shout under which Boston business men first turned to direct action: "No taxation without representation." This is no cry for universal democracy: it is the claim of property to be heard.

The propertyless groups, however, accepted in the main the ideals of rising American business. Even to them private enterprise seemed the road to life and freedom, as indeed it was in some sense to be for a century. The class war between workers and capitalists was still in its infancy, for capitalism itself was in its infancy. Class strife flamed up briefly in armed battle between the bankrupt farmers and debtors on the one hand and the manufacturers, traders and creditor class on the other. The men of the backwoods who rose in Shays'

Rebellion were the "Share the Wealth" movement of that period. Deeply in debt, they preferred inflation to sound money, and their pressure on the sovereign state governments kept the national debt from being paid. Their demand—we quote it from their enemy, General Knox—sounds oddly reminiscent of a score of later struggles: "That the property of the United States had been protected from the British by the joint exertions of all and ought therefore to be the common property of all."

This conflict over the fruits of victory stirred among the propertied class the demand for a constitution which should create a strong central government, able to impose taxes, pay debts, defend foreign trade and domestic order, and generally insure the economic security of merchants, money-lenders, public creditors.<sup>1</sup> The men who wrote the American Constitution did not even pay lip service to the "life, liberty, happiness" of universal democracy. They were conscious of the clash be-

<sup>1</sup> Beard: *Economic Interpretation of the Constitution of the U. S.*, p. 325: "The movement for the Constitution was originated and carried through principally by four groups of personalty interests which had been adversely affected by the Articles of Confederation: money, public securities, manufactures, trade and shipping. . . ."

"A large propertyless mass was, under the prevailing suffrage qualifications, excluded at the outset from participation (through representatives) in the work of framing the Constitution."

"The Constitution was essentially an economic document based upon the concept that the fundamental private rights

tween property and the masses, and they knew that they stood on the side of property.

James Madison, the "Father of the Constitution," has given a masterly statement of economic determinism in politics, preceding Karl Marx by half a century.<sup>2</sup> Madison's own preference was for limiting the vote to landowners, on the ground that "the freeholders of the country would be the safest depositories of American liberty." He made the remarkable prediction: "In future times a great majority of the people will not only be without landed but without any sort of property. These will either combine under the influence of the common situation, in which case the rights of property and the public liberty will not be safe

of property are anterior to government and morally beyond the reach of popular majorities.

"The Constitution was ratified by a vote of probably not more than one-sixth of the adult males.

"In the ratification it became manifest that the line of cleavage for and against the Constitution was between substantial personalty interests on the one hand and the small farming and debtor interests on the other."

<sup>2</sup> *The Federalist*, No. 10: "The most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. . . . A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many other lesser interests, grow up of necessity in civilized nations and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of government."



in their hands, or, which is more probable, they will become the tools of opulence and ambition, in which case there will be equal danger on another side."<sup>3</sup> Madison might pass for the typical small-scale capitalist, decrying communism and fascism equally.

Other framers of the American Constitution were even more opposed to unlimited democracy. Alexander Hamilton advocated giving the rich "a distinct and permanent share in the government," similar to the British House of Lords, on the ground that "the people are turbulent and changing; they seldom judge or determine right."<sup>4</sup> The rich, he thought, "having nothing to gain by change," would maintain a stable government. Still other members held that a limited monarchy gives "blessings which have never been derived from any of the Republican form," but agreed that in the state of public opinion a monarchy was "out of the question."<sup>5</sup>

If monarchy and open government by the rich were out of the question, the Constitutional Convention did the best it could. Adequate means were found for protecting property against the people. To the property qualifications which already by state laws restricted voting and office-holding, the Constitution added a system of checks and balances giving progressively higher power to

<sup>3</sup> Farrand Records, Vol. II, p. 203.

<sup>4</sup> Farrand Records, Vol. I, p. 299.

<sup>5</sup> *Ibid.*, Vol. I, p. 86.

those parts of the government furthest removed from popular control. In the original American Constitution only the House of Representatives was elected by popular vote. The Senate and the Presidential electors were appointed by the state legislatures, whose members were distinctly propertied people. The Supreme Court justices—still further removed from popular control—were, and still are, appointed by the President for life. So clearly was the American Constitution drawn to prevent "undue power" by the people over property that it aroused strong popular opposition and almost failed of ratification, being jammed through in several states through a combination of political maneuvering and economic pressure, by votes which Professor Beard estimates represented "not more than one-sixth the adult males."<sup>6</sup>

I have given this early history of American democracy in some detail because it is not exceptional: it is typical of all capitalist revolutions. All of them were carried through by wide masses of people under the leadership of rising business interests. All of them used slogans of government by the people, universal suffrage, inalienable human rights. In all of them the capitalists consolidated the fruits of victory and deprived—more or less bloodily—the large mass of their unpropertied followers of their expected gains. None of the so-called democratic revolutions—the British, the French, the American, or in modern days the Turk-

<sup>6</sup> *Loc. cit.* See also his entire account.

ish and the Chinese—gave power to unpropertied people. They substituted for the rule by feudal rank a rule by the men who had the type of energy required to become rich. This was progress in that it carried forward the productive energies of mankind. But the democracies thus created gave their first attention to restricting popular rule.

The first French Constitution of 1791, adopted only two years after the famous "Declaration of Rights," not only established electoral laws which deprived most of the working people of full voting rights, but began to reword the famous list itself.<sup>7</sup> The struggles thus launched between the disillusioned masses and their new rulers made the American Shays' Rebellion seem like a minor fray. More than a century later the war-ruined German workers accomplished a revolution whose fruits were immediately seized by the German capitalists. As if to show that this typical process is no respecter of races, on the other side of the world in the same decade Chiang Kai-shek was given power by the rising of Chinese workers and peasants, and immediately made common cause with the merchants of Shanghai and began to slay the men who had given him victory.

From all these democratic revolutions, from the British to the Chinese, the masses gained one privilege—the chance to fight again. Nor was this privilege an empty one. Step by step, through a

<sup>7</sup> See Chapter V.

century and a half of struggle, the base of democratic rule has widened in all the democratic lands. In America the strong popular opposition to the Constitution in its original form almost at once secured the first ten amendments, known as the "Bill of Rights." Property qualifications were more slowly relaxed; even today in a disguised form they still exist.<sup>8</sup> Negroes theoretically won the vote by constitutional amendment in 1865, though this is still a dead letter in many states. Women, one-half of the citizens, were enfranchised after the World War. Direct election of senators was attained in 1913; direct election of Presidential electors—hence practically of the President—long since replaced election by state legislatures. In the more progressive states the initiative, referendum, recall, direct primary have sought to improve the expression of the popular will. The victories came slowly through the centuries; none the less they were victories. In spite of set-backs and disillusion, in spite of rampant graft and gangster rule in cities, it was not too implausibly maintained by large numbers of American optimists that democracy was growing steadily and surely towards a perfect people's rule. In all the democratic lands there were similar developments.

Yet even while the technique of democracy improved and the franchise widened, other changes were taking place which undermined the whole structure of democracy, threatening its eventual

<sup>8</sup> See details in Chapter II, p. 29.



overthrow. The form of private property changed. It consisted no longer of small competing enterprises which once demanded liberty from feudal masters: it became consolidated corporate wealth which itself was master of the lives and fates of millions of men. Accumulated wealth not only bought up parties and governments; it centered in a few hands the control of the press, motion pictures, radio and thus sought to buy up even the people. More and more people might be able to vote for President, but smaller and smaller grew the list of the real rulers of America, those who owned the economic power of the land. In France the ruling clique is dramatized as the "two hundred families." In the United States it consists, according to James W. Gerard, former U. S. Ambassador to Germany, of fifty-nine corporation officials and financiers.<sup>9</sup>

"A stage arrives in the history of capitalist democracy," says the well-known British political scientist, Harold J. Laski, "when either the democracy will overcome the capitalism or the capitalism will overcome the democracy."<sup>10</sup> That stage began on a world scale with the World War and advanced through the economic crises that followed.

Today, after more than a century and a half of what seemed democratic progress, we find democracy engaged in a life and death struggle with

<sup>9</sup> In interview in American press, August, 1930.

<sup>10</sup> *Draft Constitution, ibid.*, p. 16.

fascism. The war cry arises again for the right of men to life, liberty and the pursuit of happiness against the throttling hand of a dying economic system. The democratic forces of the world set first these rights of men, even if this means that capitalism must go. Not all the democratic forces as yet see clearly that they cannot rescue and remodel capitalism. But their choice is clear for the final struggle: If capitalism can serve human life and liberty no longer, then human life—they, the people—will go on without capitalism.

Against them stand the dark forces which declare that ancient privilege and traditional property rights must remain, at whatever cost to human life. This is the basic characteristic of fascism. Let life, liberty, happiness and human progress be sacrificed; let the books be burned, the technical achievements destroyed, the universities closed. Let us turn back, if need be, to the Middle Ages. Whatever it may cost in suppression, whatever it may cost in war, the inequalities of private property must remain.

The threat of fascism to the peoples of earth is no empty one. Of twenty-six European countries, democratic rights survive today in only ten; sixteen are ruled by fascist or semi-fascist governments. Even in the so-called democratic lands, democracy is on the defensive or in full retreat. In country after country the demand to outlaw the parties of the left is already a matter of practical politics. Armed clashes between workers and

fascists take place in the streets of London and Paris. For daring to be loyal to a democratically elected government, the city of Madrid is bombed from the face of the earth, while the greatest democratic governments of the world wreck the whole structure of international law in their frenzy to avoid giving aid.

But simultaneously from every land—even from the fascist lands—millions of common folk send help to the people of Spain. This is the battle that widens across the world: fascism, and against it the People's Front. The People's Front consists not only of Marxists, though it was the Marxists who first analyzed the fascist danger and sent out the rallying call to meet it.

For in a series of bitter defeats, both communists and socialists have learned the need of combining all the democratic forces if fascism is to be overthrown.<sup>11</sup> In this struggle the balance of power lies with the middle class, with the small enterprisers, crushed by the power of modern monopolies, desirous of social change, but instinctively seeking a return to the small-scale property of an earlier

<sup>11</sup> Communists and socialists agree that what today destroys democracy is the private ownership of the great productive processes on which all society depends; agree that the way out is not backward to subsistence farms and small handicraft but forward to social ownership. They disagree as to method. But the socialist attempt to attain their objective peacefully through the ballot led through a decade of retreat in Germany straight into fascism, while the communist reliance on armed uprising has thus far failed in Europe for want of

day.<sup>12</sup> They have yet to learn that a society of small individual owners cannot be revived, that small ownership today, wherever it survives or comes into being, is at the mercy of large-scale finance.

Which way will the middle classes turn when they find this out? When the small enterprisers know at last that the early society of their dream is gone forever, will they follow their long-time boss, Big Business? Will they drift, under daze of demagogic oratory, into a score of muddled schemes, all of which flow one way—towards fascism? Will they cling to capitalism even while it destroys democracy? Or will they choose democracy, even if this destroys capitalism? On the answer to this depends the struggle in Europe—and in the world—for the coming decades.

The answer of the middle class will depend in large part on what the Soviet Union offers. These folk of the middle class have something to lose in the old world; what have they to hope from the new? They are losing their hope of surviving in any world as capitalists; but they wish to survive in some world as human beings, with some chance

enough communists. Both parties too much ignored the strength of the middle classes. Communists and socialists are learning in France and in Spain to combine their methods. They strive to unite the people's will at the ballot-box; they are ready with arms to fight for the power thus voted in.

<sup>12</sup> Such were in America the early Roosevelt Progressives, many followers of the present Roosevelt, the LaFollette group; in France the Radicals, in Spain the Left Republicans.



for a rich, full life. Fascism offers slavery. What does a workers' world offer after the battle is over? This is the question on which they will base their allegiance. And their allegiance is important; it may turn the tide in France and Spain. It may turn the tide in all of Europe enough to avoid decades of battles.

To a world thus torn by the struggle between democracy and fascism, to millions still uncertain of their goal, the new Soviet Constitution proclaims a new democracy. Not the early democracy based on private property: private property proved a shifting, unstable base. Soviet democracy, based on socially owned wealth, announces a society of worker-owners, equal in economic and political rights, equally owners of all the nation's wealth.

On the night when the Constitutional Congress opened in Moscow, a telegram arrived from a Soviet journalist in besieged Madrid. "The light of the Constitution shines to me from afar, to me in the depths of dark night. It is hard to imagine a night darker than that in which these lines are penned. All windows are covered; even the guards cover their small lanterns with their hands. Beyond the wall groan the wounded. Guns destroy Madrid.

"Before that dark night, before these dark forces, Europe cowers. Governments, leaders and parties, threatened by the whirlwind of fascism, cowardly

cover their heads and naïvely hope that they can buy off or placate it. . . . Only the proletariat of the world goes into the dark Madrid night, seizing the wet rifles, boldly entering the barricades. They see clearly what the ministers of London and Paris refuse to see—that in defending Madrid they defend London, Paris, Geneva. Because if the fascists conquer Spain they will in turn take France, England, Czecho-Slovakia and the democratic lands of Europe as yesterday they seized by the throat the Chinese and Abyssinians.

"From afar to us across the dark shines that great beacon—Moscow and the Kremlin under its jeweled stars and the white hall of the palace. And there the great democrat of our time, the great citizen of the world, opens before the country and before the world the charter of freedom and rights of the working people. . . .

"Today there is one common joy for the Chinese, the Spanish, the German worker. It is a great joy. It is soviet democracy. It means one can fight and the fight is worth making; victory exists and its fruits.

"One light shines across the dark, death-dealing night of Madrid. But this light is unquenchable; nobody can ever put it out."

Economic despotism and political liberty cannot coexist. The fascists solve this dilemma by abolishing political liberty; the Bolsheviks by overthrowing economic despotism. Is not this the

choice that faces today in capitalist lands all democratic forces: either to slip unresisting into the deadly clutch of fascism or to fight for a wider freedom upon the barricades?

## CHAPTER II

## THE BEGINNINGS OF SOVIET DEMOCRACY

IT is not usually known outside the USSR that the Soviet Union has claimed to be a democracy from the beginning. Not a perfect democracy, it is true, but "a million times more democratic," according to Lenin, "than the most democratic bourgeois republic." It has also declared itself to be a dictatorship, which seems to the average reader a contradiction in terms. But never has there been a greater misuse of words than that which twists "dictatorship of the proletariat" into an admission of one-man rule. When a Marxist uses the word "dictatorship," he is not alluding to forms of administration or methods of voting; he is contrasting rule by property with rule by workers. He is insisting that the real rulers of society are those who own the means of production, and that these in a capitalist state are the capitalists, and in a socialist state the workers. When the Russian workers seized for themselves through their state the productive resources of the country, this ownership, rather than any specific governmental forms, constituted working-class dictatorship.

The forms of the new state were to a large extent democratic from the beginning. The present



Soviet Constitution is not the first one to be adopted; there have been two preceding Constitutions,<sup>1</sup> both of them democratic in form. There were, however, certain limitations in this democracy, which differed sharply in five chief ways from the parliamentary democracies we know. First, it was rule by the working class, primarily the industrial workers: it disfranchised the propertied classes and gave the industrial workers a larger proportional representation than peasants in the central government. Second, it replaced the system of divided power, known as "checks and balances," by a unified power, which combined legislative, executive and judicial functions. Third, it replaced the territorial electoral districts by production units, such as the factory, thus keeping government in close touch with the workers at the point of production. Fourth, elections to the central government were not direct, but through an ascending hierarchy of delegate bodies, beginning with the town and village; all these elections took place in open meeting. Fifth, government was carried through by one political party, instead of by two or many. These differences, which we shall later take up more fully, were partly the result of historical development and partly of Bolshevik logic.

The slogan under which the Bolsheviks carried through the October Revolution was "All Power

<sup>1</sup> Not to mention the revised Constitution of the RSFSR in 1929, and the Constitutions of the other constituent republics.

to the Soviets." The soviets were central councils of delegates—the word "soviet" means "council"—elected from factories and other working units. They had existed for a considerable period before the date November 7, 1917, when they took power. In fact, they first came into being in the revolution of 1905, as strike committees rapidly organizing in each city to fight for the interests of the workers. Violently suppressed by the reaction which followed that earlier revolution, they arose again in early 1917 in the struggles that attended the fall of the tsar. This time, since a large part of the working class was at the front in the World War, there were soviets of workers' and soldiers' deputies and separate soviets of peasants. In neither of these organizations of soviets did the Bolsheviks at first have control. The Mensheviks were in the majority in the workers' soviets, the Social Revolutionaries—a peasant party—in those of the peasants. These parties, however, saw in the soviets only temporary organs of struggle, which they intended to use to secure a government of ordinary parliamentary form. It was Lenin's genius which saw that the soviets themselves were more powerful and closer to the active life of the people than any parliament could be. He instigated the seizure of power by the soviets—in which the Bolsheviks had at last attained the majority—and this ushered in the Revolution. The soviets, which had been organs of class struggle and then of successful revolution, became the new state power.

The whole history of the soviet system of government, with its form of voting and representation, is best understood when it is thus seen as a rapidly growing labor movement, organizing first on a city-wide, state-wide and then nation-wide basis, and finally combining with representatives of organized farmers and the non-organized population to form a government. From this history derives the unequal representation, the open meeting, the indirect election. Logical justification was found for these things later; their source lay not in logic but in the origin of the soviets, which sprang up locally and only gradually combined in wider assemblies on a national scale. Not until two months after the Revolution, for instance, did the Congress of Peasants' Soviets combine with the Congress of Workers' and Soldiers' Deputies to form the Congress of the new government. This Congress adopted the "Declaration of Rights of the Toiling People," which a few months later became the basis for the first Soviet Constitution.

Soviet power, therefore, functioned for several months without a constitution. The first Constitution was adopted July 10, 1918, at the Fifth Congress of Soviets.<sup>2</sup> It sanctioned the forms of gov-

<sup>2</sup> It may seem strange that the "Fifth" Congress should come so soon after the Revolution, while the Congress which in 1936 adopted the present Constitution was known as the "Eighth." The first Congress of Soviets on an all-Russian scale, however, preceded by some months the taking of power. After the adoption of the Union Constitution in 1924, the numbering of congresses began again.

ernment which already obtained, giving all power to soviets of workers', peasants' and soldiers' deputies, elected in ascending hierarchy of delegated congresses from village and town soviets through district and provincial congresses to the All-Russian Congress of Soviets. It declared the merciless suppression of exploiters, depriving them of political rights. It nationalized land and natural resources, banks, railroads, large scale industries and foreign trade, all the "commanding economic heights." It abolished racial and national inequalities, gave political and economic equality to women, separated the church from the state and disfranchised the clergy. To ensure freedom of speech, press and assembly "to the broad masses of working people," it took from the capitalists and placed at the disposal of the workers' organizations—trade unions, Communist Party organizations and local and central government bodies—all the facilities for public expression, printing shops, supplies of paper and meeting halls.

The government thus formed was known as the Russian Socialist Federated Soviet Republic. It controlled only part of the territory included either in tsarist Russia or in the present Soviet Union. Other parts—the Ukraine, the Caucasus, Central Asia, Siberia—were held by the armies of intervention, German, British, French, Japanese, American and others. In the struggle to drive out foreign armies and consolidate the new state the first Constitution played an important role. It united the



workers and peasants to fight for their own power, thus concretely expressed in basic law. It was circulated among soldiers of invading armies to tell them the nature of the new Soviet government; thus it became a weapon of agitation against intervention. During the first two years of the Revolution it was the only document from Soviet Russia which was permitted to circulate legally in most foreign countries.

As foreign armies were driven out, other sections of the country set up soviet republics, modeled on the Russian, but using the right of self-determination granted by the Soviets to all nationalities. These at first formed with the RSFSR a loose federation of sovereign states,<sup>3</sup> some of which maintained their own foreign offices and even their own currency. Within a few years the need of common defense against outside aggression and of closer unity in the tasks of economic reconstruction led to the amalgamation of the soviet republics into an all-union government. The first Congress of the Union of Soviet Republics, meeting December 30, 1922, and consisting of delegates from the RSFSR, the Ukraine, White Russia and Transcaucasia, declared the formation of a Union. The first Constitution of the Union was finally confirmed by the Second Congress of Soviets in 1924.

The 1924 Constitution of the Union made no changes in the basic principles of soviet power or

<sup>3</sup> Compare the Articles of Confederation which in the United States of America preceded the federal Constitution.

in the electoral forms. Its chief new feature was establishment of a federal government based on the centralization of economic power combined with a decentralization of cultural self-expression. The USSR was created as a union of many nations welded into an economic whole, yet allowing a wide autonomy, even to the right of secession, to the constituent parts. Supreme power was vested in the All-Union Congress of Soviets, and, between the annual sessions of this large and rather unwieldy body,<sup>4</sup> in the Central Executive Committee, which consisted of two chambers. One of these, the Council of the Union, was elected by the All-Union Congress of Soviets on a basis of population and consisted of 371 members; the other, the Council of Nationalities, consisted of five representatives from each of the constituent republics and one from each of the autonomous regions. All legislation had to secure majorities in both these chambers. This device, combining in the central government representation both by population and by separate national republics, was the work of Stalin. It was devised to ensure the minor nationalities against being outvoted by the dominant Russians, who constituted fully half the total population. It guaranteed that all valid law must be approved both by the majority of the people and the majority of the constituent nations.

<sup>4</sup> It had 1,535 deputies in 1924 and climbed through increase of population to 2,016 in 1936, the last Congress.

"We pride ourselves on finding a solution to the problem of nationalities, which has vexed the capitalist world for generations," said more than one high Soviet official to me at the time. The whole first section of the 1924 Constitution of the Union breathes this pride. It consists of a declaration of the contrast between capitalist and socialist governments in their handling of the problem of nationality and race. Declaring that "the bourgeoisie has been incapable of organizing the collaboration of peoples" and that "only in the camp of the Soviets . . . has it proved possible to destroy national oppression at the roots . . . and to establish an atmosphere of mutual confidence," the Constitution expressed in memorable words the contrast:

Since the time of the formation of the Soviet Republics, the states of the world have divided into two camps: the camp of capitalism and the camp of socialism.

There—in the camp of capitalism—are national enmity and inequality, colonial slavery and chauvinism, national oppression and pogroms, imperialist brutalities and wars.

Here—in the camp of socialism—are mutual confidence and peace, national freedom and equality, a dwelling together in peace and the brotherly collaboration of peoples.

In spite of this justifiable enthusiasm there were, as we have stated above, certain limitations in soviet democracy under both the first Constitution

of the RSFSR and the Constitution of the Union. Limitations of equal or greater extent have existed in all democracies hitherto, but these were of a peculiar kind. It would be incorrect to state that the Soviet power restricted the franchise more than do other democratic governments; it restricted it rather less, but in a diametrically opposite way. Instead of enforcing direct or indirect property qualifications for voting, which have been common in capitalist democracies, the Soviet power deprived of the franchise all persons living by private property and "exploitation." This included capitalists, traders, the rural "kulaks" (peasants hiring labor, lending money or owning a small mill or store), as well as former tsarist officials and members of the clergy.

The removal of all power from the capitalists, with or without formal disfranchisement, was an integral part of the program of the dictatorship of the proletariat, which is defined in the program of the Communist Party of the USSR as "the conquest by the proletariat of such political power as will enable it to suppress all resistance on the part of the exploiters." The need for such suppression was clearly explained by Lenin. Even after the capitalists have been overthrown on a nation-wide scale, they remain for some time stronger than the workers who overthrew them. Their strength lies in their connection with international capital, in the money and movable property they still possess, in their administrative ability, their



superior education, their connection with the higher technical personnel of industry, their superiority in the art of war. They will not relinquish power and property in response to anything so weak as a popular vote; they will fight, and they have the above advantages which must be met by the determined, organized force of the workers. A glance today at the situation in Spain, where a popularly elected government attempted legally and constitutionally to put through certain measures of socialization, only to be met by armed revolt of the upper classes, underlines every one of those phrases of Lenin.

Technically, the propertied classes might be suppressed without actual disfranchisement. This was admitted by Lenin in his answer to Kautsky,<sup>5</sup> where he stated that the disfranchisement of the propertied classes arose not by any plan of the Bolsheviks but "out of the special conditions of the Russian Revolution and the path of its development." Since the soviets arose from strike committees, the capitalists fought them and were outside when the soviets took power; the exclusion thus arising was then confirmed by law. This disfranchisement was from the beginning regarded as temporary, lasting till the former "exploiters" requalified as workers. Even at the beginning of the Bolshevik Revolution, the number of capitalists, petty trad-

<sup>5</sup> *The Proletarian Revolution and the Renegade Kautsky*, 1918.

ers, kulaks, clergy and tsar's officials disfranchised was considerably less in number than those disfranchised for lack of property at the beginning of either the American or French Revolutions. By the 1934 Soviet elections, the disfranchised numbered only 2.5 per cent of the adult population, somewhat less than those still deprived of the vote in the United States by residence, literacy and property tests.<sup>6</sup> Certainly the speed with which limitations on franchise were removed in the Soviet Union compares favorably with our century and a half disfranchisement of women and the disfranchisement which still exists among Southern negroes.

Besides the disfranchisement of the propertied class, there were certain inequalities in representation. The chief of these was the unequal representation of workers and peasants in the congresses both of the Union and of the constituent republics. One deputy was elected to these congresses for every 25,000 city electors, and one for every 125,000 of the rural population. (Since "population"

<sup>6</sup> Eight states (Ala. Ark. Fla. Mass. Miss. Tenn. Tex. Va.) require payment of poll-tax to vote.

Three states (Ala. Ore. S. Carolina) require a property qualification.

In Georgia and Mississippi delinquent tax-payers are disfranchised.

Thirteen states disfranchise recipients of state relief.

Thirty-seven states require a year's residence. In this way 250,000 farm laborers are disfranchised in California, since they follow the crops and have no settled abode.

includes children, while "electors" does not, the disproportion was not five to one as often stated but 2.7 to one.) This disproportion was not part of any plan of the Bolsheviks but arose historically when the Third Congress of Soviets was formed in January, 1918, by combining the Congress of Peasants' Soviets with the Congress of Workers' and Soldiers' Deputies, both of which preserved after the fusion the ratio of representation on which each had previously been based. The Bolsheviks, however, found sound reasons for legalizing this disproportion. The rural population consisted at the time of illiterate, backward peasants, the demands of whose small-scale medieval farming might easily have swamped the newly emerging socialist industry of the progressive cities. Only by 1936, when the rapid modernization of farming through mechanization and collectivization had created a new type of rural population, were peasants given an equal vote.

The process by which the soviets arose locally, combining later on a provincial and then on a national scale, gave rise to many temporary minor inequalities besides this basic one between worker and peasant. In the Ukraine, for instance, city governments were at first elected on a basis of one deputy for every hundred organized workers and soldiers, and for every three hundred of the unorganized population. Scattered cities in other parts of the Union similarly weighted the scale in favor of the organized workers. Provincial congresses

at first often included direct representatives of provincial trade unions in addition to the regularly elected delegates: in 1920 these trade-union representatives ran as high as 6.3 per cent of all delegates. These minor inequalities were ironed out from election to election; all of them disappeared within the first few years, as the soviets became less specifically a fighting force and more definitely a government.

At no time, it should be noted, were any of these inequalities of representation greater than exist in all capitalist democracies—usually in the reverse direction. In my home state of Washington, the city of Seattle is constantly out-voted in the state legislature by representatives of a very much smaller population in the "cow counties." A similar inequality prevails in other states as in New York, where the city of New York with its enormous population has nothing like its proportion of power in the state legislature at Albany. The classic example is of course the American senatorial election, in which New York state's twelve million population and Nevada's ninety thousand are entitled alike to two senators, a proportion of 133 to one. No capitalist democracy has yet attained complete equality of representation in all its elections. But whereas capitalist democracies usually discriminate against the large industrial populations, the soviet electoral system favored the industrial workers. It was they who had taken the



initiative in the Revolution, and who later carried the soviet system forward.

Election by show of hands in open meeting, another characteristic of soviet voting under the first two Constitutions, also grew out of temporary conditions and was never considered an essential part of Soviet power. Similar methods have marked other democracies in their beginnings; one need only refer to the New England town meeting. Open voting continued in England until the seventies of last century, in Prussia till 1918. In Hungary to the present day only 45 out of 245 electoral districts have secret voting.<sup>7</sup> It is clear that at the beginning the soviet electorate, which was largely illiterate, could not have voted by secret ballot, even had the physical means for organizing and checking such ballots existed among the hundred and ninety languages of the USSR. Democracies in the past have solved such problems by disfranchising the illiterate; soviet democracy preferred to accommodate its forms to the capacities of the most backward people. The simplest workers and peasants, even the illiterate nomads—reindeer-herders of the Arctic, yellow-skinned Kirghiz of the great plains—could express their will directly in factory, village or pasture meetings. The meetings also served to draw out discussion which

<sup>7</sup> Facts from E. Pashucanis, authority on constitutional law, member of Soviet Constitutional Commission, in article on "Changes in the Soviet Constitution." Publishers: "Vlast Sovietov," Moscow.

educated the new voters in problems of government and the duties of their representatives. Obviously such open voting was open to abuse through undue influence by local officials. But if it checked expression by the timid, it served to stir up and develop political expression by new, energetic elements of the population, and this was at the time the greater need. I have myself attended many election meetings and usually found the discussion singularly free.

Indirect voting under the first two Constitutions similarly grew out of the historic situation and was well adapted to the conditions in which it arose. Peasants and workers in open meetings elected village and city governments, which in turn elected deputies to township and provincial congresses, and these in turn sent delegates to the All-Union Congress. Similar forms of election are not unknown in other democracies; they are characteristic of trade unions and many other federated organizations; until 1913 United States senators were thus indirectly elected through state legislatures. This system had its obvious drawback in that control by the people of the upper branches of the Soviet government was several steps removed. In this early period, however, the mass of the people was well enough acquainted with local needs and local candidates, but hardly with names and policies on a national scale. The method of indirect election therefore provided a close-knit and continuously active unity of gov-

ernment from the village to the All-Union Congress. Frequent changes of representatives by their immediate constituents were possible at any time without a general election. There was thus made possible a much cheaper and more flexible, even if less exact, expression of public opinion, suitable to a period of rapid change.

An important advantage of this indirect system of voting was that it allowed a rapid movement of talent to the top, at a time when there were painfully few competent people. In the usual method of parliamentary democracy, only men with large campaign funds or considerable oratorical ability win wide enough renown to be elected to Congress. Talented workers, farmers, engineers, scientists—precisely the people who were needed by the Soviet state to organize its public properties—are known chiefly to their immediate co-workers. They were rapidly drawn into the lower soviets by people who knew them—without even the formality of a public speech by themselves—and rose swiftly, sometimes in half a year, to the higher governing bodies. In recent years, however, the growth of literacy and political consciousness has led to the featuring in the public press and in various types of public congresses of record-making miners, blacksmiths, milkmaids, aviators, scientists. Brilliant people in all lines now become household names throughout the Soviet Union. Furthermore there are now many well-established organizations—trade unions, co-operatives, technical, scientific and cultural so-

cieties—whose nomination of candidates will carry weight. This justifies the hope that the people will now be able to elect direct representatives to the central government with something of the same knowledge and assurance with which they hitherto elected the local soviets.<sup>8</sup>

Voting by production units was considered one of the most essential features of soviet democracy under the first two Constitutions. According to Lenin, the soviet system "is so built as to bring the toilers close to the apparatus of government. This aim is served by uniting the law-making and administrative power in the soviet organs of government and by replacing the territorial electoral districts by production units, such as the factory and mill."<sup>9</sup> This system was, of course, never absolute; it occurred only in municipal elections and even in these the "unorganized population"—housewives, pensioned people and others—voted in district meetings. Election from municipal governments to higher provincial and central congresses was on a territorial basis. Rural elections also were on a territorial basis, since there was only one basic form of production, farming.

The election of city soviets on the basis of pro-

<sup>8</sup> I have personally heard people in village elections refuse to vote either for or against certain candidates because they "did not know them." It is interesting to speculate what effect such discriminating conscientiousness would do to the long list of candidates in the usual American election!

<sup>9</sup> Speech of March 4, 1919, at the first Congress of Communist International.



duction units had two important advantages: it kept government close to large bodies of continuously functioning workers and centered attention on problems of production. The big factories became the political centers of every city, around which lesser organizations grouped. They secured the most attention, the best clinics, the swiftest municipal improvements, to some extent at the expense of the unorganized population. In what form the close relation of production units to government will survive under the new Constitution is problematical; it is clearly less important as the central problem changes from production to distribution. Election is in future to be by electoral districts. Nominations, however, may be by any public organization or society of working people. Undoubtedly the large factory organizations will be the chief nominators of candidates, but they now share this privilege with co-operatives, youth organizations, cultural societies, representing the whole gamut of the citizens' interests.<sup>10</sup>

The passion felt by Lenin for a thoroughgoing and effective democracy has passed into many well-known slogans. "Every kitchen-maid must learn to rule the state" has stirred millions of Soviet women to take part in public life. "Every citizen must be placed in such conditions that he can take part both in deciding the laws of the government

<sup>10</sup> Certain features of the Soviet government which hold over to the new Constitution, such as unity of state power and the single-party system, are discussed in Chapter IV.

and in the election of its representatives and in the carrying out of the laws of the state," expresses the view that soviet democracy is not exhausted by voting, but demands continuous participation of wide masses of people in the tasks of government. It is clear that a socialist country requires for successful government a wider, more intimate and more vigilant participation by its citizens than is necessary in a capitalist state. Inefficiency or corruption in a capitalist government inconveniences part of the citizenry while even perhaps advantaging others. But inefficiency or corruption in a socialist government, which owns and operates the country's production, destroys the livelihood of all the people.

Participation of the people in government has increased year by year in the Soviet Union, both in the numbers taking part and in the variety of their activity. In the first years of Soviet power a relatively small proportion of the population took part in the elections; in 1926, 51 per cent of all eligible voters participated; in 1934, the figure was 85 per cent, which compares favorably with any country in the world.<sup>11</sup> Similar gains were

<sup>11</sup> Total Soviet votes 77 million, 85 per cent of the 90.5 million eligible to vote, or 83 per cent of the 92.5 million people 18 years of age and over, some two million of whom were disfranchised.

The record-making American election of 1936 gave 45.8 million votes, which was 78 per cent of the 58.5 million estimated by the National League of Women Voters as eligible, but only 60 per cent of the 76.5 million people 21 years old

shown in the use of the recall,<sup>12</sup> which after a campaign in 1929 for popular vigilance in government, became almost a routine method for improving the local administrations. Between the elections of 1931 and 1934, no less than 18 per cent of the city deputies and 37 per cent of village deputies were recalled, of whom only a relatively small number—4 per cent of the total—were charged with serious abuse of power. The chief reasons for recall were inactivity—37 per cent—and inefficiency—21 per cent. If these figures indicate certain lacks in the quality of elected officials, they show considerable activity of the people in improving government.

The 1934 election won approval throughout the country as the liveliest and most hotly contested

and over, and only 54 per cent of the 83.4 million 18 years old and over, the Soviet electoral age. (Population figures U. S. Census estimate November 1, 1936, with age-group proportions transferred from 1930 census.)

It thus appears that of eligible voters, almost as many voted in America as in the USSR, but that the relatively small proportion of votes to the adult population (54 per cent as compared with the Soviet 83) was due to disfranchisement of seven million between 18 and 21, and of 18 million as aliens, or for residence, poll-tax and similar requirements.

<sup>12</sup> In most countries permitting the recall of officials, the machinery is so expensive and cumbersome as to be seldom used. In California cities during the past two decades, for instance, sixty-four attempts were made, of which one-third were thrown out on formalities, one-third failed to secure the requisite vote, and only one-third succeeded. Soviet election machinery is simpler; past recalls were made by meetings of the same bodies of constituents which had elected the representatives. It is too soon to tell under what form recalls will take place under the new Constitution.

they had ever had. Contrary to much foreign opinion, the Communists do not try to keep all government posts for Party members, but rather to draw increasing numbers of people into elective offices and into various local government commissions, whose work, incidentally, is largely unpaid. The Communists themselves stimulate wide criticism of the work of outgoing officials and active discussion of the tasks of the incoming government and the candidates likely to prove most efficient. In 1934 the elections were considered highly successful in that large numbers of suitable candidates appeared and a literal flood of "people's instructions."

The electorate of the *Peasants' Gazette*, for example, consisted of some 1,500 employees, entitled to elect one deputy to the Moscow city soviet and two to the ward soviet. For more than a month before the election every department of the newspaper held meetings discussing both candidates and instructions. Forty-three suggested candidates and some 1,400 proposals for the work of the incoming government resulted from these meetings, which also elected committees to boil down and classify the instructions. These committees issued a special four-page newspaper for the 1,500 voters; it contained brief biographies of the forty-three candidates, an analysis of their capacities by the Communist Party organization of the *Peasants' Gazette*, and the "nakaz," or list of "people's instructions," classified by subject and the branch



of government which they concerned. At the final election meeting of the *Peasants' Gazette* there was literally more than 100 per cent attendance, since some of the staff who for reasons of absence or illness had not been listed as prospective voters returned from sanatoria or from distant assignments to vote. The instructions issued by the electorate in this manner—1,400 from the *Peasants' Gazette* and tens of thousands from Moscow citizens—became the first business of the incoming government.<sup>13</sup>

The people's participation in government in the USSR has never been confined to electing deputies and issuing instructions. They expect to continue active supervision and participation in the tasks which they order their deputies to do. Every year of Soviet power has developed new ways of bringing organized popular influence to bear on government. The "patronage" taken by factory organizations over particular government organs in order to study and improve them, the "light cavalry" of Soviet youth who make "raids" to inspect and report on abuses, the practice of assigning the abler factory workers to additional part-time jobs in the civil service, the great host of voluntary commissions on taxing, housing, sanitary inspection and almost all functions of government, have been only a few of the many forms of direct action by the

<sup>13</sup> See page 53 for report of one Moscow ward on the "nakaz."

people on and through the apparatus of the state. It is the announced aim of the Soviet system that every citizen shall take some active share in the tasks of government, until by gradual diffusion of governmental functions among voluntary organizations of citizens, the state as a separate entity shall wither away.

Two important steps in the direction of diffusing and decentralizing certain powers of government were taken during the past two years. One was the abolition of the Commissariat of Labor and the taking over by the Central Council of Trade Unions of all of its functions, including factory inspection, protection of labor and the administering of the enormous sums of social insurance, which in 1936 reached eight billion rubles, one-tenth of the total national income. The other was the creation of the model "Collective Farm Constitution," which gives to the local groups of organized farmers definite rights over the use of land—including the fixing of exact relations between land individually used and that used collectively—which can only be described as governmental powers.

Democracy in the USSR has thus been steadily growing. It has grown through the increasing numbers taking part in elections, in the increasing use of the recall, and the increasing activity of voluntary commissions in all branches of government. It has expressed itself even more deeply in the energy with which millions of people have

given not only their votes but their daily labor to build the socially owned wealth of the country. The unprecedented economic growth created by the will of these millions made possible, nineteen years after the Revolution, the adoption of yet a third Constitution, announcing the world's first socialist state.

### CHAPTER III

#### THE PEOPLE MAKE A CONSTITUTION

CONSTITUTIONS in the USSR do not express the sacred will of the fathers, imposed unchanged on after generations. They change as conditions change. They crystallize the achievements of one epoch and prepare the way for a new one. They document the living history of the Revolution.

Changes of a minor nature were made in the 1924 Constitution of the Union from year to year in accordance with the development of the country. By the end of 1924 the four original constituent republics—the RSFSR, the Ukraine, White Russia and Transcaucasia—were increased by two more, Uzbekistan and Turkmenia, created from awakening Central Asia. In 1929 Tajikistan was added. New administrative divisions were formed and sometimes later abolished when they proved cumbersome and expensive; such were the “ok-rugs,” an unsuccessful attempt to insert a sort of large county between the small “rayon” and the larger “oblast.” As a result of the expansion of the publicly owned properties, several new All-Union commissariats came one after another into



being.<sup>1</sup> The Supreme Economic Council which at first directed all the state industries, gave birth to no less than four commissariats: Heavy Industry, Light Industry, Food Industry, Timber Industry. To Agriculture was added a separate Commissariat of State Farms. Home and Foreign Trade was divided into two commissariats; similarly Transport was split between Railways and Water Transport. The relatively independent State Political Department (O.G.P.U.) was replaced by a Commissariat of Internal Affairs; an All-Union Attorney-General's office was established. On the other hand, the Commissariats of Labor and of Workers' and Peasants' Inspection were abolished, their work being taken over by other organizations, chiefly the Central Council of Trade Unions. These are only the chief of the many changes which in a single decade proved that Soviet constitutions are documents readily amended.

The extraordinarily rapid industrialization of the country, and the widespread collectivization of farming that took place during the first Five-Year Plan (1928-1932) brought about deep eco-

<sup>1</sup> The Constitution of 1924 listed eleven Commissariats of the Union, of which five—Foreign Affairs, War and Marine, Home and Foreign Trade, Transport, Posts and Telegraphs—existed only in the Union government, while six—Supreme Economic Council, Agriculture, Labor, Finance, Workers' and Peasants' Inspection, Statistics and Planning—had corresponding commissariats also in the constituent republics.

nomic and social changes which could no longer be expressed by mere amendments. Within less than a decade the whole structure both of property and population changed. At the time of the 1924 Constitution, industry was already four-fifths publicly owned, but was still weak; by 1936 all industry was publicly owned and its production had increased sevenfold. Farming, which in 1924 was on a petty-proprietor basis, was by 1936 largely socialized, and produced 50 per cent more than before the Revolution. Socially owned wealth, including industry, agriculture, transport, formed in 1925 only 48 per cent of the total fixed capital of the country; by 1934 it reached 95.8 per cent, growing in absolute figures from 22 to 90 billion.

This change in property relations was accompanied by a change in the population. As late as 1928 three-fourths of the people (111,000,000) were petty peasant proprietors; seven years later over four-fifths (144,000,000) were employees and joint owners of large scale enterprises. Thus people engaged in socialist production—workers, employees, collective farmers—grew in seven years from a relatively small minority to a vast majority of the country.<sup>2</sup> Meantime a new generation of

	1928	1934
1. Workers and office staff . . . . .	26,343,000	47,118,000
2. Individual peasants . . . . .	111,131,000	37,902,000
3. Collective farmers . . . . .	4,406,000	77,037,000
4. Bourgeois, including kulaks . . . . .	6,801,000	174,000

These are population figures, including families. Propor-

youth grew up, accustomed to socialist life. The victory of socialism was basically achieved, in economic forms and in the minds of men.

The need for the earlier suppressions and inequalities to safeguard the dictatorship of the working class no longer existed. At the same time, the need for steadily increasing the participation of citizens in the government had grown. The Soviet citizen had become a worker-owner, working collectively in great undertakings which he collectively owned. His interest in state-owned enterprises and his relation to them had become all-important for his own and his neighbor's welfare. The new Soviet citizen must be not only an efficient, honest worker; he must also be an intelligent, conscientious owner. "Our goal," Lenin had said, "is the unpaid fulfillment of government duties by every worker. . . . Only in this change is the guarantee of the final translation to socialism."<sup>8</sup>

On February 6, 1935, the Seventh Congress of Soviets adopted a decision "to amend the Constitution in the direction of further democratization of the electoral system . . . and the more precise definition of the social-economic basis of the Constitution." A commission of thirty-one of the

tions between individual and collective farmers changed in 1935 to 83.2 per cent collective farmers which, on a basis of the general population increase would give roughly 97 million collective farmers and 19 million individual farmers; this change went still further in 1936.

<sup>8</sup> In *Next Tasks of Soviet Power*, March, 1918.

country's ablest economists, historians and political scientists was appointed under the chairmanship of Stalin to draft it. In June, 1936, the draft drawn by the Constitutional Commission was approved by the Presidium of the Central Executive Committee of the USSR, and published for discussion by the people.

There forthwith ensued the most spectacularly widespread discussion that has ever taken place in connection with any governmental action in history. Under pressure of public demand, copies of the draft Constitution were issued in editions of ten and fifteen million, until the grand total of sixty million copies was reached, a greater number than has ever been published of any document in such a brief period. In addition to this publication in pamphlet form, the Constitution was printed in full in more than ten thousand newspapers, with a total circulation of thirty-seven million. Discussions were held in every farm, factory, school, workers' club; classes met in repeated sessions to study it. In all, there were held 527,000 meetings with an attendance of thirty-six and a half million people, all of whom felt themselves entitled to send in comments and amendments. The number of suggested amendments which reached the Constitutional Commission, sometimes from individuals and sometimes from organized meetings, totaled 154,000.

Within three days after the first printing of the draft, the newspapers were printing suggested



amendments, several columns daily in most of the central papers for a period of months. A scientist wanted an All-Union Commissariat of Science; a professor wanted the first article amended to read that the USSR is a "socialist state" not only "of workers and peasants" but also of "intellectuals." Down in the Moscow subway the diggers discussed the rights of citizens, especially the right to work, to leisure, to education, to maintenance in sickness and old age; these practical questions interested them much more than the questions of free speech, press and assembly. In high summer pastures of the Ajar district of the Caucasus, five hundred shepherds held a meeting on the Constitution. Formerly they never heard of distant political events; now the radio reaches even the mountain pastures.

Much of the discussion consisted of a paean of praise of Soviet power, with personal tales of what changes it had brought to the life of the speaker. Especially picturesque were the comments of minor nationalities. "Half my life I lived in slavery," said a forty-year-old woman chairman of a village soviet in the Altai Mountains, "but the Soviet power has given to Oirat women freedom of which they could not dream" . . . "Shouldn't I, a Mordva, I who worked ten years for a kulak, understand the greatness of this Constitution that makes all races equal?" wrote a former farmhand of a minor nationality who is holder of a government decoration for his skill as a tractor-driver.

. . . "The tsar's Russia forbade us Kazaks to learn to read in our own language," wrote a Kazak school-teacher. "I spent a month in jail for the crime of teaching Kazak children to read. That is what I remember when I read this Constitution with its right to education and its equality for all nationalities."

Letters poured in not only to the Moscow newspapers but to every local paper. When I made a summer trip to the Volga, I saw huge piles of them in a newspaper headquarters in the city of Samara, now renamed Kuibishev, and smaller piles in the little office of a weekly newspaper in a township center, Krasny Yar, fifty miles from the railroad. The editors assured me that some use was made of every letter, either in print or in the hand-lettered wall newspapers. All letters expressing a new idea were not only printed but sent as clippings to the newspaper *Izvestia* in Moscow, whence they eventually reached the Constitutional Commission.

On the hot, dry farms of the Volga they were singing new couplets. When great events bite deep into the heart of the people, these couplets arise, called "chastuchki." Men compose them as they follow the plow or drive home the cattle. They pass from mouth to mouth till someone—a teacher or a village correspondent—thinks it worth while to put them down in writing. Many of these new couplets in 1936 were about the Constitution. I collected several from different authors; I translate roughly for the verses themselves are very rough:

Hoe the millet in the field  
 It heads out day by day;  
 The right to learning now is mine,  
 No one shall take away. . . .

O'er the farms on equal breeze  
 Blows on all and one.  
 Now the Chuvash is for me  
 Like my mother's son. . . .

Where do we get the happy looks  
 You see across our land?  
 You never saw them under the tsar  
 Or on a foreign strand. . . .

Grandpa slides down from the stove  
 Eager with attention,  
 Wants to read with his own eyes  
 All about his pension. . . .

Let the balalaikas ring,  
 Raise anew the chorus,  
 Isn't it a happy thing—  
 The road that lies before us? . . .

One of the most lyrical of the letters in the Samara paper came from a collective farm of Gypsies who had recently settled to the soil. It was addressed to Stalin: "Our beloved father, the sun today shines bright and the birds sing sweetly; our Gypsy collective farm celebrates a great holiday to consider the new, great law of the Soviet people." The letter recalled the long wanderings of the Gypsies, telling how in the old days, if they

sought "the right to work," they were answered with the insult: "You are a Gypsy; we don't need thieves." Now honorable work is the lot of Gypsies also.

Certain typical reactions occurred in all parts of the country. Widespread protests arose, for instance, against giving the vote to the clergy. It is clear that the past disfranchisement of priests was no arbitrary government action but reflected a desire of wide masses of people. The reason given was chiefly fear lest the clergy influence elections unduly. But there were plenty of other letters which retorted that the time had come to give the vote to everyone. One rural teacher wrote: "Why break up the happy picture of our socialist family by adding priests?" To this a collective farmer answered: "It would injure the happy picture still more if we left anyone out."

Considerable discussion went on as to whether the Attorney-General and the district attorneys should be appointed, as in the draft Constitution, or elected by the people as "more democratic." Answers to this insisted that it was sufficiently democratic to have them chosen by the Supreme Soviet, and that "we need a unified law from top to bottom, independent of the local officials." Many letters suggested that the President of the Supreme Soviet should be elected by popular vote instead of by the deputy-members. Others discussed whether candidates for office should announce a slate and make speeches, "as in capitalist



democracies," or be put up by their friends and instructed by the people's demands collected in the "nakaz." The question of the second chamber—the Soviet of Nationalities—also aroused widespread discussion, some wishing to abolish it, others to enlarge it, others to have it directly elected by the people.

Most of the discussion dealt with suggested additions rather than with changes. It took the form not of a debate between competing views but of a co-operative compilation of the best thoughts of the people. Nobody opposed the Constitution; the bitter clash which occurred during the adoption of the American Constitution between the propertied upholders of that document and the small farmers and debtors who opposed it would have been unthinkable in the USSR. Everyone cheered the Constitution as one more step in the consolidation of socialism; but everyone wanted to have a hand in improving it. There was an embarrassment of these suggestions; if all the additions had been adopted, the Constitution would have become a complete code of laws in many books.

In connection with the discussion of the Constitution there was noted all over the country an improvement in production and especially an increased interest in the work of the local soviets. The discussion was used to turn the searchlight of criticism on local officials. Although no new popular election was held at this time, new elections took place in the upper stage of the soviet system,

from the local soviets to the All-Union Congress. Preparatory to this most of the local officials were required to make reports to their electors on the extent to which they had fulfilled the instructions given in the 1934 election by the voters.

A typical report of this kind, for instance, was made in the First of May ward of Moscow, by the seventy deputies who compose the ward soviet. They had received three hundred and fifty instructions from the electors—the so-called "nakaz." They reported these 91 per cent completed. Among the items were:

- "Garden to be laid out at Hammer and Sickle Plant . . . . . Done
- "Manufacture of toys to be increased . . . Done
- "Food-testing laboratories to be set up in all markets . . . . . Done
- "Public baths to be built in Dangaurov settlement (a new workers' settlement of 50,000 people in this ward) . . . . . Done
- "A new electric station of 25,000 kw. in Dangaurov . . . . . Done"

The report continued through "eight blocks of new houses for 6,000 people, 20,000 square meters of asphalt streets, 7 new secondary schools" and thus through the whole three hundred and fifty instructions. Similar reports—not always of such success—were being made by a large proportion of local governments.

More than a month before the beginning of the

All-Union Congress, the district congresses of soviets began to meet in all parts of the country both to discuss the Constitution and to elect delegates to the Eighth All-Union Congress of Soviets, which was to be the Constitutional Congress. Many of these local areas were preparing their own new constitutions and celebrating the fact that they were being raised in status. Five formerly "autonomous republics" were being raised to the rank of "constituent republic," and many autonomous districts were stepping up to become autonomous republics. Day after day the Soviet press was filled with the reports of these local congresses, whose speakers seemed moved by the need of listing all the improvements that had taken place in their districts and republics under Soviet power, and all the new achievements which their factories, mills, farms, railway stations, hospitals and schools were preparing in honor of the Constitutional Congress.

In the Far North, the many peoples of the Arctic, reindeer herders, fishermen, miners, told of their new written languages, new schools, new polar towns by which life on the tundra had been made over. In the Far South, Soviet Armenia, heir to an ancient but long-suppressed culture, told of its change from a blood-drenched land to a flourishing industrial commonwealth. In the Far East an aviator spoke in Russian and a yellow-skinned farmer wearing the Order of Lenin spoke in Chinese; both of them said: "Our district

grows so fast you can't recognize it any longer." The recently nomad races of Kirghizia and Kazakhstan told of the settling of wandering tribes to the soil. The highly developed German Autonomous Republic on the Volga completed a draft of its own constitution and offered to defend the "Soviet fatherland" against the German Nazis.

From all these far-scattered parts of the Soviet land and all its many peoples, the delegates came at last to Moscow, to the white marble hall of the Kremlin Palace. They were quite obviously a cross-section of all nationalities and occupations, totally unlike the lawyer-constituted parliaments of capitalist lands, unlike any government that has ever existed in the world before. Uzbek men in brilliant striped silk robes, Cossacks in uniforms of red and black or red and blue, and women with gaily flowered shawls added color to the gathering. On scores of breasts were seen government decorations—the Order of Lenin, the Order of the Red Banner—marking their wearers as persons who had made some signal contribution to the country, or attained eminence in science, art, productive labor—famous aviators, scientists, tractor-drivers, blacksmiths, milkmaids. The entire Congress in fact had been chosen by their fellows not for brilliance in debate, but as the most brilliantly productive people in the country—productive in all lines, grain, iron, airplanes, art. It is clear that such must be a congress in a socialist state, where



the main task of government is the rapid and efficient production of plenty for all.

A comparison of this Congress with the Second Congress of Soviets in 1924, which adopted the first Constitution of the Union, shows many significant facts of growth. There were 2,016 deputies, 481 more than in 1924: this reflects a population growth of thirty million (six times Germany's growth in that period) and the emergence of eight new cities with a total population of a million. Sixty-three nationalities were present, testifying to the vast variety of the USSR. In place of the four constituent republics of 1924, eleven were represented now. Uzbekistan, Turkmenia and Tajikistan were added years ago. Transcaucasia, one of the original four, is now divided into three, Armenia, Georgia, Azerbaijan. Kazakstan and Kirghizia become new constituent republics in this Congress. Members of the Communist Party comprised 72 per cent of the delegates; non-Party delegates have thus almost tripled since 1924, when they formed only 10 per cent of the Congress. This indicates the growing number of people outside the Communist Party who take a prominent part in government affairs.

A significant change was the increase in the number of women. There were 419, more than one-fifth the total number of delegates, five times as many as in 1924. Nearly half of them—177—came from the rural districts, and ranged from cotton-pickers and dairy-women to combine-oper-

ators and presidents of farms. Among the 142 women classed as workers there were sixty-three different trades, including locomotive engineers, weavers, locksmiths and dynamiters. Professional women included forty-seven village and township presidents, two actresses, three aviators, eighteen teachers and five directors of factories. Clearly the past ten years have brought Soviet women into every branch of occupation.

The largest single group in the Congress, classed by occupation,\* consisted of workers directly engaged in production: 317 from industry and transport and 99 from state farms and tractor stations. Practically all of these were record-makers: half of them boasted that they had more than doubled the usual production standards. Sixty per cent, in addition to their work in industry, were unpaid members of local governments. One saw such

\* The delegates were 19 per cent workers in production,  
14 per cent peasants on the land,  
16 per cent village and township presidents,  
18 per cent members of district governments,  
16 per cent party and trade-union apparatus,  
7 per cent red army men,  
5 per cent directors of factories,  
5 per cent scientists, engineers, artists.

Classed by social origin they were 42 per cent workers,  
40 per cent peasants,  
18 per cent intellectuals.

famous figures as Stakhanov, the miner who started a nation-wide movement for increased production; Busygin, the record-making blacksmith; Smetanin, the shoemaker who doubled the usual standard; Krivonos, the locomotive-engineer who began the efficiency movement on the railroads. These men are "the new working class of the USSR" described by Stalin as "freed from exploitation and unlike any working class known to human history."

The farmers among the delegates differed sharply from those who attended the 1924 Congress. There were more of them, 261 instead of 110. In the earlier Congress all were individual peasants giving their occupation usually as "grain-growers." Now all were collective farmers listing themselves by specialties—combine-operators, tractor-drivers, managers of livestock, pig-raisers, farm presidents, cotton- and tea-pickers. Besides their farm work, 63 per cent of them were unpaid members of local governments. Among them was the famous combine-operator Polagutin, holder of the All-Union record; Kovardak, a tawny-skinned Kazak girl, who plowed 12,812 acres last season with a crawler tractor; Marie Demchenko, known throughout the land as last year's sugar-beet celebrity, but who this year is a student in an agricultural college; Christine Baidich, mother of three grown children, who this year doubled Marie's record and produced forty tons of sugar beets per acre; the picturesque Rachmatov, formerly a half-

starved Uzbek farmhand, who this year, as brigade-leader in a collective farm, raised the cotton yield from the usual Uzbek standard of two-fifths ton per acre to the incredible figure of more than four tons per acre. These men and women were described by Stalin as "an entirely new peasantry, the like of which history has not seen."

University graduates furnished 289 delegates, in contrast to 90 in the Congress of 1924. Three-fourths of them had received their education under the soviets. Among them was Lysenko, member of the Academy of Science, most daring of all Soviet plant-growers; Burdenko, the brilliant surgeon; Komarov, vice-president of the Academy of Science; Moskvina of the Moscow Art Theater, one of the country's most famous actors. Among the directors of factories sent as delegates to the Congress were Zavenyagin, head of Magnitogorsk Steel Works, the largest in Europe, surpassed only by Gary; Bruskin, who organized the production of wheeled tractors in Kharkov, of crawler-tractors in Chelyabinsk and who is now vice-chairman of the heavy industry of the country; Boncharenko, director of Kharkov Locomotive Works; Diufur, who grew up with the Stalingrad Tractor Plant and is now its manager.

Stalin spoke, reporting for the Constitutional Commission. Behind him on a high platform sat the thirty members of the Presidium just elected. Before him was an ocean of faces. On the main floor the delegates; above them a great gallery of



visitors, with the People's Front delegation from the battle-lines of Spain holding the front row. Diplomats from many nations sat in the boxes. From the press gallery the representatives of the world's news services rushed out with half-hourly telegrams to keep pace with the afternoon editions in New York. And across the Soviet country from the ice-bound polar night of Dixon Island to the cotton farms of Central Asia, from army outposts on the Manchurian frontier to great mass-meetings in Leningrad and Moscow, and even beyond the borders in European capitals, tens of millions on the radio listened in.

Stalin spoke slowly, quietly, distinctly, in a conversational tone with few gestures. Men afterwards said it was as if he talked to each of them personally. He paused for the right word; he was unhurried; he found exactly the right word and gave it. He outlined the reasons for a new constitution, the changes in the life of the USSR, an industry seven times prewar, an agriculture fifty per cent higher, the national income increased four-fold. Most important of all, the complete victory of the socialist system through the establishment of socialist ownership of the means of production as the basis of Soviet society. New people emerging, a new type of worker, farmer, intellectual.

The limits of the new Constitution and its principal characteristics were treated next. It expressed the attainment of socialism, said Stalin, but not yet that of communism. The "mainstays of

socialism" were won: socialist ownership of land, forests, factories and other means of production. Society no longer consisted of antagonistic classes, but of two classes, workers and peasants, friendly to each other. Work had become a duty and matter of honor for all citizens. The capitalist assumption of national and race inequality was replaced "by the premise that . . . neither language nor color of skin nor cultural backwardness nor the stage of political development can justify national and race inequality." Claiming for the new Constitution "consistent, thoroughgoing democracy—the only thoroughly consistent democratic constitution in the world"—Stalin took up the various criticisms of the document expressed abroad, the Nazi denunciation of it as "an empty promise," the claim of other critics that it was "a shift towards the right." "These gentlemen do not know the difference between left and right," he remarked amid laughter from the delegates.

Many suggested amendments were next considered. Some Stalin approved, as facilitating democratic self-expression; others he disapproved, as contrary to the spirit of Soviet democracy. He opposed those people who would strike out the right of free secession: the voluntary nature of the Union, he said, must be emphasized. He opposed the election of the President of the Supreme Soviet by popular vote; such focusing of attention on one man and setting him over against the Supreme Soviet did not harmonize, he said, "with the spirit

of our Constitution. . . . Soviet democracy . . . is collegial in form." He opposed the demand to forbid religious rites and continue the disfranchisement of the clergy. "The time has come to introduce universal suffrage without any limitations." He ended by stating briefly but eloquently the historic significance of the new Constitution: "an indictment against fascism, an indictment which says that socialism and democracy are invincible. . . . That what has been realized in the USSR can be fully realized in other countries also. . . . That the blood abundantly shed by our people was not in vain."

During a ten-day session the delegates of the Congress—peasant women, government leaders, industrial workers, world-renowned scientists, picturesque Cossacks—made speeches announcing local and national achievements, summing up, in homely but significant detail, the end of one epoch and the beginning of a new one. An editorial commission elected by the Congress prepared the final text of the Constitution, including amendments. Stalin reported for the commission at the concluding session of the Congress in a fifteen-minute speech. Forty-three amendments were made, chiefly improvements and clarifications of phrasing, but including seven substantial changes—two affecting property rights, three affecting minor nationalities, two concerned with war. The right of inheritance of personal property was added. To the clause granting use of land to collective farms

"without time limit" there was added "and without payment." The Supreme Soviet was given eleven Vice-Presidents instead of four and required to publish all laws in eleven official languages, this corresponding to the number of constituent republics. The Soviet of Nationalities was given an increased membership to make it equal to that of the Soviet of the Union, and provision was made that it should be elected by popular vote instead of appointed by the constituent governments. A new Commissariat of Defense Industries was created. To the provision permitting the Presidium to declare a state of war in case of armed attack upon the USSR, there was added "or in case of the need of fulfilling international treaty obligations of mutual defense against aggression." This last amendment provoked a sudden burst of applause.

The full text of the new Constitution as revised was read and adopted, article by article. After every article the chairman asked if there were any more amendments, and when cries of "No" answered, he put the vote for, against and abstaining. The delegates voted by raising their red credential cards, which blossomed and waved across the hall like a poppy field. The voting at first proceeded without demonstration, but when Chapter Ten on the "Basic Rights and Duties of Citizens" was reached, the delegates broke into applause on the statement of the "right to work." This was repeated for the rest of the basic rights.

One hundred and forty-six times for one hun-



dred and forty-six articles the red flowers of assent blossomed and waved above the assembly. Then the Congress decisively refused a roll-call on the final adoption, which they carried with cheers and singing. Without the help of a band, but firmly and clearly, the 2,016 delegates sang three stanzas of the "International." The Central Executive Committee was instructed to draw up statutes defining the new election procedure and fix the date of the elections. December 5th was declared a national holiday, "Day of the Constitution."

Next morning, in all the cities and villages of the USSR, tens of millions of people poured into the wintry streets and roads and squares to welcome with flags and banners and floats and bands the world's first Constitution of an achieved socialist state.

#### CHAPTER IV

#### THE FORMS OF THE SOCIALIST STATE

THOUGH the present Constitution is the third Constitution of Soviet power, it is the first that proclaims the USSR to be a socialist state. Contrary to the casual assumption still widely prevalent in foreign countries that something confusedly called communism or socialism was attained in the 1917 Revolution, it is only now that the achievement of socialism is proclaimed. The RSFSR Constitution of 1918 declared that the new government was created "to secure the establishment of socialism." The 1924 Constitution of the Union spoke of the division of the world into "two camps, the camp of capitalism and the camp of socialism" and of the desire of "the toiling masses" to form "one socialist family." In all these phrases socialism appears as an object of aspiration, not a declared condition; the very word "camp" suggests an army on the march.

The present Constitution, however, announces in its first article that the USSR "is a socialist state of workers and peasants." This is therefore the first socialist Constitution, the first summing up that has ever been made of the basic laws of socialism in practice. It makes clear not only the stage

of development which the USSR has reached but the limits of that development. As Stalin explained in his report on the Constitution, Soviet society has achieved "socialism, the first and lowest phase of communism, whose basic principle is expressed in the formula: 'From each according to his ability, to each according to his work.' " It has not yet achieved "the higher phase of communism," expressed by the famous formula: "From each according to his ability, to each according to his needs." "Such," said Stalin, "are the limits of our Constitution at the given historical moment."

This first Constitution of a socialist state, therefore, challenges comparison not only with the past Soviet Constitutions, but with all other constitutions in the world. Its first noticeable distinction is that it analyzes frankly the economic basis of its power. Other constitutions, as for instance that of the United States of America, begin with the form of government and the organization of the legislative body. They make certain assumptions on the basic questions of power and property but do not explicitly state them. The assumption underlying the American Constitution is that "the fundamental rights of private property are anterior to government and morally beyond the reach of popular majorities,"<sup>1</sup> but this is not stated; it may be inferred either from the discussions of the founders or from the limitation of the powers of gov-

<sup>1</sup> Beard. *Ibid.*, p. 234.

ernment, there being included no power whatever to change the fundamental right of private property.<sup>2</sup> The Soviet Constitution, on the other hand, devotes an entire first chapter to "The Structure of Society." What is property under socialism? Where is power located under socialism? These questions are clearly answered.

The political foundation of the USSR is stated to be "the soviets of working people's deputies." The economic foundation lies in the "socialist ownership of the tools and means of production." In Article 6 is given what will undoubtedly become the classic formulation of state ownership:

The land, its deposits, waters, forests, mills, factories, mines, railway, water and air transport, means of communication, large state-organized farm enterprises (state farms, machine-tractor stations, etc.) and also the basic housing facilities in cities and industrial localities are state property, that is, the wealth of the whole people.

Socialist property, however, includes not only state-owned enterprises, but also the possessions of voluntary associations of citizens united in collective farms or co-operative organizations. These organizations have as jointly owned property "their livestock and equipment, products raised or manufactured, . . . as well as their buildings for community use. . . . The land occupied by collective

<sup>2</sup> See Chapter I, pp. 5-9. See also U. S. Const., Section 8, where the specified powers of Congress do not include the right to own and operate industry.



farms is secured to them without payment and without time limit, that is, forever" (Articles 7, 8). Thus socially owned property, either in the form of the "wealth of the whole people" or in the form of the property of co-operating groups of citizens, is established as the basis of the socialist state. Therewith the "exploitation of man by man" is declared abolished (Article 4).

Private property, however, as the average person understands that term, is by no means abolished. The Constitution explicitly states what citizens are entitled to possess as private wealth. Income from work, savings, home and household furnishings, objects for personal use and comfort—such personal property may be both possessed and inherited (Article 10). Individual farmers and artisans may own small private farms or workshops "based on their personal labor, provided there is no exploitation of the labor of others" (Article 9). Members of collective farms may not only possess their dwelling-houses, but have for personal use garden plots of land, household livestock and small farm implements (Article 7). Thus private property in goods of consumption, or in small-scale means of production used by the individual, is protected by law.

Since natural resources and all large-scale means of production are in the hands of one ultimate owner—one hundred and seventy million people organized through the state—the planning of the economic life of the country becomes possible.

State planning is an empty phrase under capitalism, where productive wealth is scattered among private owners over whom the state has no compulsive power. State planning was not mentioned in either of the first two Constitutions of the Soviet Union itself, though the first steps towards planning were taken by laws establishing workers' control in industry and a Supreme Economic Council which planned all state enterprises. Not until state and collective ownership became practically universal could nation-wide planning be enshrined in the Constitution. "The economic life of the USSR is determined by a state plan of national economy" (Article 11). The purpose of this plan is given as "increasing the public wealth, steadily raising the material and cultural level of the working people and strengthening the independence of the USSR and its capacity for defense."

The citizens of a socialist state are no longer divided, as in capitalist lands, into those who live by work and those who live by ownership: all of them own the total productive wealth of the country and all of them work. "Work in the USSR," says Article 12, concluding the chapter on the structure of society, "is a duty and a matter of honor for every able-bodied citizen, on the principle: 'He who does not work, shall not eat. . . .' In the USSR is realized the principle of socialism: 'From each according to his abilities; to each according to his work.'"

From the socialist structure of society, outlined in Chapter One of the Constitution, there follow many fundamental differences from capitalist governments. The first of these appears in Chapter Two, in the structure of the Union as a federal multi-national state, combining centralized economic power with wide diversity of self-expression for all nationalities and races. Under capitalism economic power is not centralized in the government; it begins as the competing power of different capitalists and is eventually centralized not in Washington but in Wall Street, not in the Houses of Parliament but in "the City." The functions of the Union government (Article 14) include many activities which have no counterpart in the activities of government under capitalism: establishment of national economic plans; administration of banks, industrial and agricultural establishments; foreign trade on the basis of a state monopoly.

Moreover, all capitalist states which are multi-national—the British Empire, former Austria-Hungary and tsarist Russia, the various European countries which have minor nationalities, and to some extent the United States as well—devote considerable attention to standardizing human life and culture and to securing uniformity of language, even going so far at times as the suppression of languages and customs different from those of the dominant group. None of them grant the right of free secession. This attempt of one nationality

to dominate others has been responsible for generations of national wars and bloody suppressions of whole peoples.

The Soviet Union prides itself on having solved that "national problem" which has been such a source of conflict in the capitalist world. It is organized not as a single nation, but as a union of nations. The new Constitution lists eleven constituent republics.<sup>3</sup> All have equal rights (Article 13); possess their own constitutions and their own territory which may not be changed without their consent (Articles 16, 18). All have the right "freely to secede" from the USSR (Article 17). Each minority nationality is not only privileged to maintain its own language, forms of art, education, culture, but to develop these fully and to aspire to a higher role in the affairs of the Union. Many minor nationalities which had no legal existence under tsardom, their language being suppressed and the people called by the contemptuous generic term "natives," were made autonomous provinces (oblasts) under earlier Soviet Constitutions and have advanced with this Constitution to the rank of autonomous republics. Similarly, five autonomous republics—Georgia, Armenia, Azer-

<sup>3</sup> There were four in 1924: RSFSR, the Ukraine, White Russia, Transcaucasia; Uzbekistan and Turkmenia were added at the end of 1924; Tajikistan in 1929; the present Constitution splits Transcaucasia into Georgia, Armenia and Azerbaijan, and forms Kirghizia and Kazakstan out of part of RSFSR.



baijan, Kirghizia, Kazakstan—which until recently took part in the Union government indirectly as sections of larger constituent republics, were themselves advanced by the new Constitution (Article 13) to the rank of constituent republic. The Soviet Union believes that it has thus created a form of federal union of nations which will some day serve as model for the united soviet socialist republics of the world.

The most important difference in form between the Soviet government and that of a capitalist democracy is its unity of state power. Most parliamentary democracies maintain a system of checks and balances, intentionally devised to make government inefficient. The concept that government action should respond slowly to the "vagaries of the popular will," lay behind the division of power into legislative, executive, judicial, with the highest checks furthest removed from popular control. Even when a century and a half of struggle has given the American people direct election of all branches of government except the Supreme Court, divided power still operates to delay government action. Laws passed by Congress may be vetoed by the President; those approved by President and Congress alike may be declared unconstitutional by the courts. When any private interest demands government action, expert lawyers steer the project past these governmental obstructions and screen its real significance from the peo-

ple. But the great unorganized mass of common people struggle blindly to make the government "do something," unaware that its whole form was designed to block swift changes and to act as shock-absorber to the popular will.

When desperate popular pressures force such a government to interfere with private business it does this in such a confused, conflicting manner that even the promoters of change grow discouraged. The capitalists are then the first to arouse public opinion against the inefficiencies of government which are indeed glaringly clear. Big business then declares for a "strong government," attained by discrediting or even abolishing the legislative branch of the state. Power thus is concentrated in the hands of the executive who holds it in agreement with finance capital and the army, and we have that form of government known as fascism.

Soviet democracy achieves a strong, efficient government in exactly the reverse direction from fascism. Concentration of power is attained not by abolishing the legislative branch but by giving into its hands supreme unified power. All power—legislative, executive, judicial—is concentrated in the Supreme Soviet, or Supreme Council,<sup>4</sup> a

<sup>4</sup> I here protest against the political confusion caused by practically all translations of the Soviet Constitution, which after using the Russian word "soviet" for "village soviets," "city and provincial soviets," "Soviets of Toilers' Deputies," "Union of Soviet Socialist Republics," "All-Union Congress

body of more than a thousand representatives elected for a four-year term by all citizens of eighteen years and upwards through universal, direct and secret ballot, and recallable by their constituents at will (Article 142). All legislative power is vested in this body (Article 32); no executive or court can veto or annul its laws. The only appeal from its legislation is by referendum to the people, which may be called for by any one of the constituent republics (Article 49, d). This same body, the Supreme Soviet, appoints the highest executive officers—the People's Commissars—supervises their work and removes them at will (Articles 65, 70). It also appoints the highest judiciary (Articles 102, 105) which is thereafter "independent" (Article 112) for a fixed term of office. The whole united power of the state in all its functions is thus concentrated in one body of representatives directly elected by and recallable by the people—a simple, efficient and democratic structure of power.<sup>5</sup>

The Supreme Soviet consists of two chambers, the Soviet (Council) of the Union and the Soviet

of Soviets," "the political foundation of the USSR consists of soviets," suddenly change the word to "council" for the supreme body of the land. "Council" implies a small appointive or advisory body; it is thus inaccurate and misleading for an elected congress of more than a thousand representatives.

<sup>5</sup> In the popular discussion of the Constitution, some people advocated the direct election by popular vote of the President of the Supreme Soviet. This was rejected by the Constitutional Congress on the ground that the singling out of an

(Council) of Nationalities, each elected directly by the citizens, but on a different basis.<sup>6</sup> The Soviet of the Union is elected on a basis of population, one deputy for every 300,000 people (Article 34). This at present gives a chamber of some 570 members. The Soviet of Nationalities is roughly equal to it in number,<sup>7</sup> but gives special recognition to the minor nationalities, all of whom together might be outvoted by the Russians on a strict population basis. Each constituent republic is therefore allowed to elect twenty-five members, each autonomous republic eleven, each autonomous province five and even the national "okrugs" (hardly more than townships and often with only a few thousand population, yet representing a distinct nationality and language) are given one deputy each.

This two-chambered government bears a superficial resemblance to parliaments of capitalist democracies, such as the Congress of the United States. During the popular discussion of the Constitution many people suggested that the Soviet of

"individual President . . . on a par with the Supreme Soviet who could put himself in opposition to the Supreme Soviet" does not "harmonize with the spirit of Soviet institutions. The presidency is 'collegial'; experience has shown in history that such structure of supreme organs is most democratic." From Stalin's Report.

<sup>6</sup> The original draft called for the election of the Soviet of Nationalities by the constituent governments, but this was amended after popular discussion.

<sup>7</sup> The original draft provided a much smaller Soviet of Nationalities; this was amended as a result of the popular discussion.



Nationalities be abolished, on the ground that second chambers generally operate to slow down legislation and thus check the popular will. Stalin's report agreed that "a one-chamber system would be better than a two-chamber system if the USSR were a single national state. But," he added, "the USSR is a multi-national state. . . . The nationalities of the USSR have also their particular, specific interests, connected with their national peculiarities. . . . (There is) need for a special supreme organ that would reflect precisely these specific interests."

While the Soviet of Nationalities may be expected to initiate especially those laws arising out of specific interests of minor nationalities—such as the adoption of the Latin alphabet for a certain group of nations, or the claims of Armenia and Central Asia for special consideration in the federal budget—both chambers are equal in powers and have equal right to initiate legislation (Articles 37, 38). They meet at the same time, in separate or joint sessions as may be convenient (Articles 41, 45), the respective chairmen of the two chambers presiding alternately over the joint sessions. No law is considered passed until it secures a simple majority in each chamber (Article 39). In case of disagreement, the matter is first submitted to a joint commission and if a second consideration by both chambers fails to agree, the government, i.e., the Supreme Soviet, is dissolved and a new election held.

It is clear that the two-chamber system in the Supreme Soviet has a different origin and practice from the two-chamber system elsewhere common, which usually began for the purpose of giving special powers to propertied interests.<sup>8</sup> A possible parallel to the double-chamber system of the USSR might be imagined if the League of Nations were an actual world government, in which all decisions had to be passed both by majority of the member governments and by a majority of their total populations. One could hardly doubt the effect of such voting both in welding together the League of Nations and in making it a genuine popular power. Or one might imagine a government of the United States in which one of the chambers represented the "special interests" of Negroes, Indians, Puerto Ricans, Hawaiians, Filipinos and the Mexicans of the southwest. Still more intriguing is the picture of a government of the British Empire in which all imperial laws had to be passed both by a majority of the total population—with India outvoting the rest of the empire combined—and also by a majority of the constituent nations, in a second chamber which would restore to England, Scotland, Ireland and Wales a certain equality of rights!

<sup>8</sup> The United States Senate, originally elected by the state legislatures, was officially to give recognition to the interests of sovereign states; since, however, the qualifications for state legislators were higher than for voters, this also operated—until the amendment in 1913 providing for direct election of senators—to strengthen the influence of property on government.

Since regular sessions of the Supreme Soviet occur only twice a year, a continuously functioning government is provided by the election, at a joint session of both chambers, of a Presidium (Articles 48, 49) composed of the President of the Supreme Soviet, eleven Vice-Presidents (one for each constituent republic) and twenty-four members. The Presidium convenes and adjourns the Supreme Soviet, dissolves it in case of disagreement between the chambers, holds elections, convenes extraordinary sessions on its own initiative or on request of a constituent republic, and exercises between sessions of the Supreme Soviet many of its functions, such as the appointment, supervision and removal of the highest executive government officials, the holding of popular referendums, the ratification of treaties, the declaration of war. The powers of the Presidium are, however, limited by the Constitution. It may declare war only "in the event of an armed attack upon the USSR, or in the event of the need of fulfilling international treaty obligations of mutual defense against aggression." It has no legislative powers, but applies laws in concrete decrees.<sup>9</sup>

The highest executive power in the USSR—known as the Council of Peoples' Commissars—is elected and organized by the Supreme Soviet and

<sup>9</sup> The proposal to give temporary legislative power to the Presidium was opposed on the ground that to permit more than one body to make laws was "at variance with the stability of laws." Stalin's Report to Constitutional Congress.

is strictly subordinate to it. It is similar in function to the cabinet of the usual parliamentary democracy (Articles 64-78). Even a brief glance at the list of commissariats, however, will show the difference between the executive tasks of government under socialism and under capitalism. In addition to the usual list: Defense, Foreign Affairs, Finance, Home Affairs, Justice, Health, Agriculture, which roughly correspond to government ministries in capitalist governments, we find a somewhat longer list of commissariats whose task is the management of the economic affairs of the country. The Commissariats of Heavy Industry, Defense Industry, Light Industry, Food Industry, Timber Industry, State Grain and Livestock Farms, Railways, Water Transport, Communications, Foreign Trade, Home Trade are not mere regulators and servants of private business as in a capitalist country; they are the actual administrators of the publicly owned wealth of the entire people. The State Planning Commission makes the economic plan for all the industry, farming, transport and trade of the country; the Soviet Control Commission acts as efficiency expert to investigate their operation. The heads of all these basic activities—including the Committees on Arts, on Higher Education and on Agricultural Products—make up the executive branch of the socialist commonwealth.

These economic commissariats of the USSR must not be confused with that great galaxy of govern-



ment organizations which in the Washington of the New Deal have invaded all fields of economic activity. However hotly different authorities may contest the aims and advantages of these organizations, all agree that no American government agency shall have the function of running any kind of profitable business. Handouts by government but profits all for private business! Men differ as to whether government helps or hinders, but all agree on the sacred goal that sanctifies the effort—the starting of the wheels of industry so that private business may again make profit while the stupendous cost of the starting is borne by the state. The function of Soviet economic commissariats is just the reverse: to run all necessary, profitable and expanding industry and use the gain for all the people.

The executive heads of Soviet government and economic life—the Peoples' Commissars—are not elected for a fixed term of office. They are appointed and removable by the Supreme Soviet or by its Presidium, which may also annul any of their decisions as not conforming to law (Article 49). From the standpoint of political science, the well-known British authority, Professor Harold Laski, considers this power of the Presidium over the executive the most important innovation in the Soviet Constitution. "The validity of executive action is tested not, as with us and in the United States, by judicial but by legislative decision. . . . Modern experience has shown how unsatisfactory

is the position of the judiciary that has the power to limit government experiment; but it has also shown the unwisdom of allowing the executive an unfettered discretion in the making of policy. The Russians propose a technique which seeks to avoid both these dangers. If it succeeds, it may place a weapon of great power in the hands of democracies."<sup>10</sup>

The relation of the Soviet judiciary to the Supreme Soviet (Articles 102, 112) is somewhat different from that of the executive. The Supreme Court of the USSR is elected by the Supreme Soviet, but it is not, like the executive departments, continuously controlled and removable at will. Judges are declared to be "independent and subject only to the law." Their independence consists in their complete separation from the executive branch of the government and their election for a fixed term of five years—longer than the life of the Supreme Soviet which elects them. Lower courts are similarly elected by the Supreme Soviets of the areas they serve, the "peoples' courts," or courts of first instance, being elected by popular suffrage. All court cases are tried with the participation of "associate judges," laymen selected from a panel of names submitted by social and professional organizations. The Supreme Court of the USSR "supervises all judicial activity." It has, however, no power to annul or "re-interpret" laws

<sup>10</sup> *Draft Constitution, ibid.*, p. 19.

passed by the peoples' representatives, as has the Supreme Court of the United States. Nor do its members hold office for life; in the last analysis they stand or fall by the will of the people expressed in the Supreme Soviet.

The most independent office in the USSR is that of Procurator,<sup>11</sup> an office similar to that of the Attorney-General in the United States, but with greater powers (Articles 113-117). He has the "highest supervision" over the observance of law by even the upper officials of government. He investigates and prosecutes graft, sabotage, misuse of public properties, a whole list of crimes which are far more important in a socialist state than under capitalism, since they affect the public wealth on which all men's livelihood depends. The makers of the Constitution felt the need of giving great independence to this office which investigates and prosecutes the heads of industry and government. They sought to combine an ultimate democratic control with complete independence from all other officials by having the Attorney-General appointed by the Supreme Soviet for a seven-year term—longer than any other official—and allowing him to appoint all the lower state and district attorneys. Thus the function of investigation and prosecution is controlled by the representatives of the people once in seven years but is in the interim completely independent of all other branches of

<sup>11</sup> Hereafter alluded to as Attorney-General.

government. The Attorney-General and his appointees are limited to the functions of investigation and prosecution: final judgment is reserved to the courts before which they bring their cases.

The governments of all the smaller territorial units of the Soviet Union, from constituent republic down to village, are similar in form to the All-Union government. In each of them the highest power is vested in a soviet (council) of deputies elected by universal, direct and equal suffrage. The executive officials and the judges of any territorial unit are elected by the soviet of working people's deputies of that unit. Local executive officials have a double responsibility: to the local authorities who appointed them and to the particular commissariat in the higher governments which corresponds with their type of work. Thus a city health official is responsible both to the "executive committee" of the city and also to the health officials of the province, while provincial health officials are responsible both to the provincial executive committee and to the All-Union Commissariat of Health. In case of a conflict in orders, this is resolved through the executive authorities immediately superior to both the complainants, conflict between the provincial health officer and a local executive committee being settled by the provincial executive committee, and conflicts between this provincial executive committee and an All-Union commissariat being settled by the All-Union Council of Peoples' Commissars.



All governing soviets in the USSR, from the village soviet to the Supreme Soviet of the Union, are directly elected by the people (Articles 134-142). All citizens of both sexes eighteen years old and over may "elect and be elected irrespective of race and nationality, religion, educational qualifications, residence, social origin, property status or past activity." This universality of voting contrasts both with the residence, literacy and poll-tax requirements which disqualify the migrant worker and ignorant poor in capitalist democracies, and with the restrictions on account of social origin and property status which disqualified capitalists under previous Soviet Constitutions. Universal, direct, equal and secret suffrage has been for many years the slogan of democracy but not even the most advanced capitalist democracy has completely attained it. Sex restrictions still exist in most of them; color and race and indirect property restrictions in all of them.<sup>12</sup> Sidney Webb points out that the USSR is properly comparable on this point not with Great Britain but with the British Empire as a whole, which is also a complex organization of many nations of different races and degrees of civilization. "We are still a long way from the concession of universal suffrage and direct election by secret ballot to all the citizens of the British Empire," he concludes.<sup>13</sup>

<sup>12</sup> See pp. 8-11 and 29 for disfranchisement in capitalist democracies.

<sup>13</sup> In *Draft Constitution*, *ibid.*

The Soviet state prides itself on having not only a wider franchise than any other democracy but also greater simplicity and directness in voting. Instead of choosing officials for every unimportant job—a long list whose qualifications the voters cannot possibly know—the Soviet citizen selects his "deputy" to the government bodies of his city or village, his province, his constituent republic, and the Supreme Soviet of the Union—a half-dozen posts at most on which to concentrate. In a different year he chooses local judges. All these representatives are required to make reports to their constituents and may be at any time recalled by them. To nominate candidates, the Soviet citizen is not dependent on either the choice of a political machine or the cumbersome expense of a direct primary election; nominations may be made by any trade-union organization, co-operative association, organization of youth, sport and defense organization, or by any cultural, technical or scientific society. Nominations are thus made more simply and directly than in any other country by smaller groups of citizens and without the formality of any apparatus other than that of social organizations which are constantly meeting.

The characteristic of Soviet power which most calls forth among critics doubts of its democracy is the fact that the Communist Party is the only political party in the country. This has not been changed by the new Constitution, but has rather been emphasized through two direct references to

the Party giving it for the first time a constitutional status, as the organization of "the most active and politically conscious citizens" (Article 126) and as having the right to nominate candidates (Article 141). To persons accustomed to elections by contesting parties, this seems a violation of democracy.

All persons, however, know types of democracy in which party divisions do not arise. The whole range of scientific, art, sport, educational societies, women's clubs, and to a certain extent trade unions, carry on elections in democratic fashion, sometimes unanimously, sometimes with hot contest, which does not develop into permanent parties. The reason is clear: there are no permanent divisions of interest. Those organizations in which there is the nearest approach to permanent economic divisions, as in trade unions with skilled and unskilled, approach also nearest to permanent party divisions—in the clash between craft and industrial unions. Is it not then quite conceivable that a socialist society, in which the clash of private property interests is superseded by jointly owned wealth, should produce a form of democratic self-expression without permanent cleavage into parties?

Governments by two or more parties, moreover, have by no means in the past clearly expressed the people. In France the multiple-party system frequently produces a government chosen by a minority of the voters; in England the three-party

system often has the same result.<sup>14</sup> The two-party system of America gives a clearer majority; yet both Lincoln and Wilson were elected by a minority of the popular vote. At best, government through competing parties gives majority rule, which is clearly not that of the whole people. Republicans in the solid Democratic states of the South, for instance, have for two generations been deprived of political self-expression. The attempts today of millions of Americans to find new political expression through the Non-Partisan League, Epic, Commonwealth Federations, Farmer-Labor Party, and the shift of even greater numbers from one party to another for popular Presidents like Roosevelt, show that the present two-party system in America expresses very inadequately the actual divisions of popular interests and thought.

Political democracy in a socialist state demands clearly both the expression of special interests of a relatively permanent nature and the continuous correlation of all those interests into a unified program which shall not be the "either-or" of the two-party system, but an honest attempt to satisfy as nearly as possible the sum total of popular de-

<sup>14</sup> In the British elections of 1922, the Conservatives won control of Parliament with 6,990,000 votes against an opposition of 9,349,000; in 1924 they secured twice as many Parliamentary seats as their opponents though their popular vote was 627,000 less. The French elections in 1902, 1910, 1914, 1928, and 1932, all showed a greater number of popular votes for the opposition than for the Deputies actually elected.



mand. Both these needs are met by the Soviet Constitution. The special interests of the Soviet citizen are continuously expressed in the public organizations to which he belongs, his trade union, co-operative association, cultural, technical or scientific society. All these organizations have the right to nominate candidates for office (Article 141), and will certainly avail themselves of the right. The Communist Party meantime exists as a central core of members in all of these organizations drawing out their special demands, correlating them with the rest of the country, and leading them in a direction of a stronger and more prosperous socialist commonwealth.

If the Communist Party used this "vocation of leadership," as it has been well called by Sidney and Beatrice Webb, to gain for themselves unequal wealth or the monopoly of government, this would indeed be a serious violation of democracy and the right of popular self-expression. But all observers of actual life in the Soviet Union agree that this is not the case. The participation of non-Party citizens in all government activities is growing, and growing through the urging of the Communist Party itself. The Constitutional Congress of 1936—the supreme governing body in the country—had 28% non-Party delegates, almost three times as many as the similar Congress of 1924. Communists and non-Communists alike boasted of this as showing the widening participation of the people in government. It is also well known that such

distinctions of income as exist in the USSR operate rather against Communists than for them; they are paid equally for equal work but the high-paid jobs are not those of government but those of technical skill, in which Communists, because of the large amount of time they spend in unpaid government and party work, usually earn less than non-Communists of equal ability.

One must note also that a certain self-expression of the people takes place in the very selection of the members of the Communist Party itself. To become a member, it is not enough to desire it; one must prove oneself a leader among some group of workers. Non-Party workers in factories often vote on the persons in their midst whom they consider worthy to be Party members; they attend Party cleanings and assist in throwing out undesirable members of the Party. Thus while on the one hand the Communist Party acts as the unifying force for the multitudinous organizations of the people, on the other hand, the people themselves take part in selecting and approving the membership of the Communist Party.

In any case, no one who has seen a Soviet election, can doubt that energetic and decisive choice of candidates by the people does actually take place. It is expected that this will increase with the new Constitution. "I foresee very lively election campaigns," said Stalin to Roy Howard, when the latter asked what conflicts could occur in a single-party system. "There are not a few institutions in our

country which work badly. . . . Have you built a good school or not? Have you improved housing conditions? Have you helped to make our labor more effective or our lives more cultured? Such will be the criteria with which millions of electors will measure the fitness of candidates, reject the unsuitable, promote the best. Universal, equal, direct, and secret suffrage in the USSR will be a whip in the hands of the population against the organs of government which work badly."

Outside the Soviet Union the belief is often expressed that with the increase of democracy, other parties will arise in the USSR. This belief, which is based on the history of all past capitalist democracies, seems to me to show an inert mind, thinking only in terms of the past. Only lack of imagination can thus limit in advance the variety of ways in which human self-expression may take form. In the Soviet Union the view is held that future election contests will develop strong differences of opinion by different scientific and technical groups over practical problems, but that these will not harden into different class interests nor require different parties. On the contrary, they foresee the eventual dying out of even the present Communist Party together with the present form of the state, leaving a socialist commonwealth knit by a network of voluntary activities through a vast variety of scientific and technical organizations.

## CHAPTER V

### THE NEW RIGHTS OF MAN

THE new Soviet Constitution flashes a brilliant light on the widened human rights that become possible under socialism. Its Chapter Ten, "The Rights and Duties of Citizens," is and will be more widely quoted than any other. Sidney and Beatrice Webb speak of it as a new set of the "Rights of Man," alluding to the famous declaration produced by the French Revolution; they consider it the most important innovation in the Constitution.<sup>1</sup> The well-known Soviet jurist, Krylenko, member of the Constitutional Commission, agrees with this estimate, saying, "In importance and depth it is equaled only by the opening section on the structure of socialist society, with which indeed it is closely connected."<sup>2</sup> In the final reading and adoption of the Constitution by the Constitutional Congress, the delegates cheered this chapter—and only this chapter—article by article. Millions of people throughout the world will find in its remarkable list of the rights of Soviet citizens the crowning proof that a new world is arising on new foundations.

<sup>1</sup> *Draft Constitution, ibid.*, p. 7.

<sup>2</sup> Krylenko: *Rights and Duties of Soviet Citizens*, p. 2.



Under feudalism there were no general rights of citizens. Different social classes had different rights. The two highest Estates, nobility and clergy, had the highest rights; the so-called Third Estate, which included the general citizenry of town and country, had definitely fewer. Even within the Third Estate, rights were unequal. In the artisans and merchants' guilds that made up the city communities, apprentices and employed workers had fewer rights than the employing master-craftsmen. The peasants, who formally belonged to the Third Estate, were practically without rights: the lord who owned the soil to which they were attached as serfs was not only their economic master but their direct political ruler and the administrator of local justice as well.

"Natural rights" was the slogan under which the rising capitalist forces broke feudalism. Every human being was declared to be possessed of certain inalienable rights which were antecedent to government and which government had no power to take away. Besides these "rights of man" which human beings possessed at birth from their creator, there were also declared to be "rights of citizens," which they gained through the political organization of society.

The classic statement of these rights is not the inspiring but vague Declaration of Independence of the United States of America, which declared the inalienable rights of man to be "life, liberty

and the pursuit of happiness"<sup>3</sup> nor the American "Bill of Rights" which consists of ten articles of very unequal importance, the chief of which forbids Congress to pass laws abridging the freedom of speech, press and assembly. A more philosophic and detailed formulation of the same principles was made by the French Revolution a few years later. The "Declaration of the Rights of Men and Citizens," issued in 1789, declared the inalienable rights of man to be "liberty, property, security and the right to resist oppression." Under this banner the rising capitalists of France rallied the other members of the Third Estate—workers, peasants, intellectuals—to fight the special privileges of feudalism. By the time the Constitution of 1795 was passed, the right to resist oppression no longer seemed desirable to the new rulers, who substituted for it "equality," defined as "equality before the law."

These rights set free the productive forces of private enterprise, then the necessary foundation of economic progress. They proclaimed an almost unfettered individual ownership of property for the purpose of profit-making. Security was defined as protection of "person, rights and property" without reference to how the property was acquired or for what socially desirable or undesirable

<sup>3</sup> The original phrasing of the American Declaration of Independence was "life, liberty and property," which was changed at Jefferson's insistence to the more idealistic wording.

able end it was used. Even the government had no right to take "the smallest bit of property" except through "due process of law and with just compensation."

The purpose of all these declarations was to free the citizen from interference by government. The citizen thus freed was the rising business man. For a whole century and a half of expanding capitalism, the view was generally accepted that interference by government in private business was an evil, to be endured as seldom as possible and then only when business got into trouble and needed assistance to ensure a smoother and more profitable private enterprise. "That government is best which governs least," said Thomas Jefferson. It is almost the only one of his principles which is heartily endorsed by the business world of today.

These cherished rights of a century and a half of capitalist democracy were seized by force from a ruling class to whom the doctrine of natural rights for the common man was blasphemy and treason. They were revolutionary rights in the name of which governments were shattered and new ones created. It soon became clear, however, and history has made it increasingly clearer, that these formal rights, while overthrowing the special privileges of feudalism, actually strengthened the growing inequalities between capitalists and workers.

"It is difficult for me to imagine," said Stalin in the Roy Howard interview, "what 'personal lib-

erty' is enjoyed by an unemployed person who goes about hungry and cannot find employment." . . . "Security" for property does not protect the poor man in his home against the landlord; it protects the landlord in his right to evict. "Freedom of the press" under conditions of capitalism ensures to Hearst a million times the effective self-expression enjoyed by any one of his subscribers, since he can speak to a million times the people that they do. "Equality" before the law gives to both rich and poor equal rights to hire expensive lawyers, thus actually strengthening through legal processes the economic inequality which already exists. "The law in its majestic impartiality," said Anatole France, "forbids the rich as well as the poor to sleep under bridges, to steal purses and to beg for bread."

Even these rights and equalities are attacked by capitalism as soon as they begin to threaten its power. Suppressions of free speech, press and assemblage, violations of the equality of voting, took place almost before the ink was dry on the revolutionary documents that proclaimed them.<sup>4</sup> They continued in varying form and intensity through the decades. As capitalism advanced, capital grew more concentrated and powerful, and more jealous

<sup>4</sup> Alien and Sedition Laws introduced a series of suppressions in America almost immediately after the Revolution. In France, the demand for property qualifications to restrict voting, as against "Liberty, Equality, Fraternity," began in the first National Assembly and succeeded in 1791.



of its power. The working class grew also with capitalism and increasingly demanded other and wider freedoms. Under pressure of this growing conflict, capitalism renounced even the theories in the name of which it once rose to power. By the middle of the nineteenth century, the founder of modern sociology, Auguste Comte, was demanding the removal of the word "rights" from the language of politics, saying that every man has certain duties but that no rights exist as such. In the early twentieth century, this theory was elaborated into the doctrine that neither the individual nor the collectivity possesses rights, but every individual fulfills "functions," that of the capitalist being to possess and manage property "in the social interest." On this basis was built up the theory of the corporate state, the philosophic basis for fascism, under which all pretense of freedom and equality are abandoned.

The Soviet Union took the opposite path. As fascism abolished human liberty and equality to save economic despotism, the Bolsheviks smashed economic despotism to save human liberty and equality. "Real liberty," said Stalin,<sup>5</sup> "can exist only where exploitation has been abolished, where there is no unemployment and poverty, where man is not haunted by fear of being deprived tomorrow of work, of home and of bread. Only in such a society is real, and not paper, personal and every

<sup>5</sup> Roy Howard Interview.

other liberty possible. . . . We did not build this (socialist) society in order to restrict personal liberty but in order that the human individual may feel really free. We built it for the sake of real personal liberty, liberty without quotation marks."

The Bolsheviks had no hope of attaining this real liberty until its economic basis in socially owned property was attained. Liberty to them was a goal and not a means; they did not begin by announcing liberty for all, including capitalists, for they did not believe real liberty possible until capitalism was abolished. Certain "rights of citizens" were, however, proclaimed even in the first Constitution in 1918, each with its appropriate material guarantee. Freedom of conscience was ensured not merely by government pronouncement but by the separation of church from state. Freedom of speech and press and assembly was announced "for the working people," and ensured by putting printing-presses, supplies of paper and assembly halls—seized from the capitalists—into the hands of the "workers' organizations," chiefly trade unions, Party organizations and government bodies. "Full, all-round and free education for the workers and poorest peasants" was announced as a goal rather than an accomplished fact. Neither the capitalists nor any persons whose views, in the opinion of the Bolsheviks, led back to capitalism, had freedom of press or meeting-halls. Great masses of workers, poor peasants and farmhands, however, enjoyed the widest freedom of self-ex-

pression they had ever known, in electing, criticizing and removing not only political officials, but their industrial bosses as well.

The new charter of human rights, announced in the present Soviet Constitution, became possible only with the achievement of the material bases of socialism and the organization of the socialist state. They are not "natural rights" with which men were assumed to be "endowed by their creator";<sup>6</sup> the Bolsheviks are uninterested in transcendental guarantees. They are rights which derive from a certain stage in the advancement of human society; they are "guaranteed" by specific achievements and in each case the guarantee is stated. The guarantee of the list as a whole lies in the socialist ownership of the basic means of life. Without that, all of these rights can be only a hope, an ideal; with it, they become a fact.

"Citizens of the USSR have the right to work, the right to guaranteed employment and payment for their work in accordance with its quantity and quality." Thus begins the memorable Chapter Ten, in a statement which has excited more comment abroad than perhaps any phrase of the Constitution. This is "the basic right," says Krylenko, "which guarantees the reality of all the other rights."<sup>7</sup>

The demand for the right to work is an ancient

<sup>6</sup> Declaration of Independence.

<sup>7</sup> Krylenko: *Rights and Duties of Soviet Citizens*.

demand. It was pressed even in the Middle Ages in the struggle between guild-masters and journeymen. The early Utopian socialists, Robert Owens and Fourier, made this right one of the pillars of the future socialist society. The right to work was the chief revolutionary slogan of the French workers in the middle of last century. Today, under the pressure of world-wide unemployment in capitalist lands, it is not even discussed as a possibility. Capitalist economists assume that a large reservoir of unemployed is normal. To millions of unemployed in all lands, the guarantee of a right to work seems a promise of Utopia. "If any other country in the world entertained the idea of putting such a right in its constitution," writes the British statesman, Honorable D. N. Pritt, "it would be met by bitter laughter."<sup>8</sup>

The guarantee of the right to work in the USSR lies, to quote the words of the Constitution (Article 118), in "the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment." It is a fact known throughout the world that unemployment as a social problem ceased in the USSR in 1931. The rapid industrialization of the country raised the number of employed workers from 16.6 million in 1928 to 25.1 million in 1935. Meantime the collectivization of

<sup>8</sup> *Draft Constitution, ibid.*



farming absorbed the surplus rural labor in the tasks of reconstructing the economic and social life of the countryside. It is often assumed abroad that this demand for labor is due to the early stage of industrial expansion (though similar stages in all capitalist countries had their crises of unemployment) and will pass when the country is built up. Soviet workers, however, expect no future unemployment. They know that when a socially owned and nationally planned industry reaches the stage of surplus production, a cut in hours of labor and a diversion of time to scientific and artistic pursuits is merely a matter of organization. There are no private owners to interfere. This is the economic guarantee of the constitutional right to work.

The right to work carries with it the right to leisure, not the specter-haunted idleness of the unemployed, but scheduled hours and weeks of rest.

"The right to rest," says Article 119, "is ensured by the reduction of the working day to seven hours for the overwhelming majority of workers, the institution of annual vacations with pay for workers and other employees, and the provision of a wide network of sanatoria, rest homes and clubs serving the needs of the working people."

The Soviet working day is already the shortest in the world. The eight-hour day was established on the third day of Soviet power, November 11, 1917. This was shortened in 1927, on the tenth anniversary of the Revolution, to the basic seven-

hour day, with six hours in heavy and injurious occupations.<sup>9</sup> In addition to the leisure time thus obtained, the Soviet worker is given by law annual vacation with pay, ranging from two weeks to two months. So extensive a provision for the great mass of workers does not exist in any other country in the world.

Leisure in the USSR is no mere negative absence of work; it is filled with a multitude of opportunities for rest, recreation, sport, educational clubs and classes for which the government or the trade unions pay. The provision of facilities for rest and recreation is given serious attention by municipalities and trade unions, by commissions on art and on sport whose chiefs have posts—equivalent to cabinet ministries—in the Council of Peoples' Commissars, and by the State Planning Commission, which holds conferences to correlate the work of all these organizations so that all possible vacant time, from factory lunch intermissions to annual vacations, is provided with appropriate opportunities.

Only a few examples of the recreational life of the USSR can here be noted. Shop committees arrange for concerts and speeches during parts of

<sup>9</sup> In actual practice today, due to the shortage of trained people, and the desire for supplementary income, many people hold two jobs and work excessively hard; this applies chiefly to the managerial and technical staff and professions, and will obviously pass with the increase both of production and of trained people.

occasional lunch-hour periods; they provide in many factories brief periods for setting-up exercises and corrective gymnastics to break the working day. Municipalities provide "parks of culture and rest" with amazingly varied programs. The Central Park of Culture and Rest in Moscow—one of four similar ones in that city and of two hundred and twenty-eight in the USSR—offers attractions ranging from the circus to lectures on the Arctic, from volley-ball, swimming and light athletics to chess clubs, political forums and grand opera. During the summer of 1926 this park alone had an attendance of 11,500,000, more than three times the population of the city. For the annual vacation there are vacation tours, rest homes and sanatoria provided for the different needs; in 1936 three million people spent their vacation in health resorts under medical care while seven million made tours on foot, by horse, by boat and train to museums, beaches and mountains. Meantime a growing number of art exhibits, song and dance Olympiads, circles of amateur inventors, theaters of amateur art stimulate the all-year-round use of leisure time in artistic and scientific activities.

"The right to material security in old age and also in case of sickness or loss of working capacity" (Article 120)—the third of the rights announced for citizens under socialism—will seem, next to the right to work, the most incredibly Utopian to tens of millions of people in capitalist lands. Those few progressive capitalist countries which offer even

partial security against sickness and old age, do this through social insurance taken in part from the pay of the workers. Under socialism where every citizen is a joint owner of the wealth of the country, his support in periods of disability becomes not a charity but an essential right as owner. It is "ensured by the wide development of social insurance of workers and other employees at state expense, free medical service and the provision of a wide network of health resorts at the disposal of the working people."

"Full social insurance of workers and also of the poor of city and country" was announced by the Soviet government as placed "upon its banner" in the very first month of its existence, November, 1917. Extreme poverty of the country, however, and the heavy heritage of widows, orphans and disabled men left by the World War and civil war prevented the wide application of this principle in the early years. The first pensions established were for soldiers of the civil war. Social insurance for industrial workers came next, from the income of state industry as it expanded. Care for aged or disabled peasants came much more slowly; it became possible on a wide scale only after the establishment of collective farming, and farmers are still far below the status of city workers in this respect. They are taken care of by the self-help funds of the collective farms, which in 1935 spent eight million rubles in pensions to 65,000 old peasants: these funds are rapidly growing. Persons



not covered by any of these categories—housewives, for instance—are cared for by the Commissariat of Social Welfare.

One-tenth of the total national income—the colossal sum of eight billion rubles—was spent in 1936 in social insurance benefits financed by state-owned industry but administered by the trade unions. Of this about one-third went for medical care and sanatoria for insured people; sanatoria provided through social insurance cared for 1,957,000 in 1935.<sup>10</sup> A sixth of the social insurance was spent for pensions, which are given at the age of fifty-five to sixty. The amounts vary greatly, depending on previous wages and other conditions; in some cases they are adequate for separate maintenance, in others they add only enough to prevent the aged from unduly burdening their families. The amounts will grow with the increase of the wealth of the country; the exact amount at any stage is less important than the principle that the socialist state owes full maintenance to all its members.

A special feature of the maintenance of the disabled is the attention given to retraining for forms of work within the injured person's capacity. The right to work is a precious right, important to man's self-esteem: a socialist state makes every

<sup>10</sup> In addition to the sanatoria of the Commissariat of Public Health and miscellaneous organizations, to which admission is not through social insurance, but by direct payment either by individuals or organizations.

effort to enable the disabled to lead lives as normal as possible. Two-thirds of a million people have been retrained and enabled to enter ordinary industry during the past four years; in addition to these the disabled have their own producers' co-operatives, 5,000 enterprises employing 83,000 persons. Trade training for the blind and deaf has enabled 15,000 blind people and 14,000 deaf to carry on work of the most varied kind in government factories. Whole factories have been organized for the blind to work in: there is an electric motor works in Moscow where 270 blind people carry on 95 per cent of all operations. Such adjustment of industry to give work to all citizens, even the disabled, is obviously possible only under socialism.

The right to education is the fourth right guaranteed to citizens by the socialist state (Article 121). It is ensured not only by "universal compulsory elementary education"—which is common in all progressive countries—and by "education free of charge, including higher education"—which obtains in the state university system of the United States—but also by material assistance during the whole period of education, beginning with free lunches, textbooks and laboratory supplies in the lower schools and ending with a "system of state stipends for the overwhelming majority of students in higher schools." The sum thus spent for students' stipends in 1936 was some two billion rubles, three per cent of the total government

budget. These stipends come from those branches of industry for which the student is preparing, on the theory that the cost of education, including the support of the student, should be borne by that part of society which directly benefits from the future work.

In the popular discussion of the Constitution, citizens throughout the land grew lyrical over this right to education. If the right to work and to maintenance is the right to material existence, the right to education is felt as the right to grow, to expand, to realize oneself fully. More people are studying today in the USSR than in any other country. Beginning with 6,000,000 in kindergartens, 27,303,000 in primary, secondary and technical schools and universities and including the millions taking special courses provided by trade unions<sup>11</sup> and collective-farm organizations, it was estimated that 47,000,000 people, more than one-quarter of the population, were studying something in 1936. Recent reports by city soviets in Moscow and some other cities show that one-third their population is studying. These are dizzying figures possible only in a socialist society where it is the function of the state to give its working citizens all facilities which they need for self-development. It is confidently expected in the USSR that

<sup>11</sup> In common practice, trade unions will provide and pay for instructors in any subject, from dancing, music, foreign languages to politics and trade training, on demand of ten persons in any establishment.

as industry grows more efficient and working hours are further shortened, the extra leisure will be absorbed by an increase in all branches of higher education.<sup>12</sup>

The right to work, to leisure, to material support, to education are the basic rights of man in a socialist state. They are the concrete socialist specifications of that "right to life" so inspiringly yet so vaguely shouted down the centuries by the Declaration of Independence of the United States. They express a fulfilled "right to life" which cannot be guaranteed by any capitalist government, not even by the most advanced. They are made possible by the public ownership of all the productive wealth of the country. On this material base a society of working citizens guarantees the support of all those citizens from childhood to old age.

"Equality," one of the famous "rights of man" in the early French declaration, is given its concrete socialist content in two articles of the Soviet Constitution. It is wider than the "equality before the law," expressed in the constitutions of capitalist democracies; it extends to "all fields of economic, governmental, cultural, social and political life." It is guaranteed irrespective of sex, race or nationality, with special provisions to ensure it in situations where full equality might be threatened.

<sup>12</sup> In Nazi Germany university education has dropped to about half what it was formerly. Education becomes a restricted privilege under fascism.



Equal rights for women, not yet fully attained in any capitalist country, and specifically denied under fascism, are guaranteed in a socialist state (Article 122) "by affording women equally with men the right to work, payment for work, rest, social insurance and education, and by state protection of the interests of mother and child, pregnancy leave with pay, and the provision of a wide network of maternity homes, nurseries and kindergartens." In no other country have women access on equal terms to every type of education and job with equal pay for equal work. Some foreign feminists see in motherhood insurance a special privilege for women which violates equality. Soviet women smile at this formal conception of equality; they prefer the more practical equality which motherhood insurance helps give them, by removing, as far as social help can, the natural disabilities which hamper women in their approach to work and public affairs.

Even more strongly worded is the section on equality of rights of citizens, "irrespective of nationality or race." This is declared to be "an irrevocable law." In words which are clearly intended as denouncement of the storm of racial discrimination let loose by Nazi Germany, the article declares: "Any direct or indirect restriction of these rights, or conversely the establishment of any direct or indirect privileges for citizens on account of race or nationality, as well as the propagation of racial or national exclusiveness or hatred and contempt,

is punishable by law." It is interesting to contrast the laws passed in 1935 by the Nazi Reichstag whereby only persons of Aryan descent may be German citizens and officials of non-Aryan descent are subject to removal. Equal rights irrespective of race or nationality thus explicitly denied by fascism are less explicitly evaded by capitalist democracies. Even the ineffectual attempts to give the vote to the American Negro, in three amendments to the Constitution (1865, 1867 and 1870), concern themselves only with the franchise. It is interesting to speculate what would have happened to any proposed amendment, at any time between the War for Independence and the present date, which offered the Negro "equal economic, governmental, cultural, social and political rights"! Or to a similar proposal for all races within the British Empire! The USSR does not shrink from a head-on collision with the doctrine of superior races: it makes, by constitutional enactment, even the propaganda of "racial or national exclusiveness" a criminal offense (Article 123).

If the "right to life" is given socialist content in the four basic rights of work, leisure, material support and education, and the "right to equality" is made concrete in the articles just cited, no less than six articles (124-129) are devoted to the "right to liberty" under socialism. It is treated in a widening scale from freedom of individual conscience to freedom of asylum for the oppressed of other nations. The makers of the Soviet Constitution,

clearly aware of the controversy over freedom which marks most foreign discussions of the Soviet state, have taken pains to give a more careful definition of what they include under freedom—the reasons for it, the extent of it and the guarantees of it—than was done by any of the democratic constitutions of the past.

"To ensure to citizens freedom of conscience, the church in the USSR shall be separated from the state and the school from the church. Freedom of religious worship<sup>13</sup> and freedom of anti-religious propaganda shall be recognized for all citizens" (Article 124). There is a distinction here which will be quick to be noted by religious persons: freedom of religious "propaganda" is not guaranteed by Soviet law. The clear intention is, without interfering with any person's worship, to prevent the active propagandizing of religion. The distinction is perhaps less noticed in the USSR than it would be in America, for "propaganda," in the sense of preaching, was not an important feature of the Russian church. Its characteristics were its elaborate ritual, which is here explicitly permitted, its control of the legality of marriage—church ceremonies are still permitted but have no legal status—and its control of education, which is no less explicitly prohibited.

Freedom of speech, press, assembly, and also of "street processions and demonstrations" (Article

<sup>13</sup> The Russian word means "activities of the cult."

125) are guaranteed "by placing at the disposal of the working people and their organizations printing shops, supplies of paper, public buildings, the streets, means of communication and other material requisites for the exercise of these rights." There are many persons who will agree with the exclamation of Sidney Webb: "Truly a unique and unprecedented conception of public freedom."<sup>14</sup> The Bolsheviks have always maintained that only those who own the material means for expression have effective freedom to express themselves, that under capitalism, the owners of newspapers are free, but others write only with their permission. They hold that the giving of all these material resources to organizations of the working people ensures a fuller freedom than capitalism affords.

There will be others, however, who will notice rather the clause which qualifies freedom, as "in accordance with the interests of the working people and in the interests of strengthening the socialist system." Krylenko, commenting on this passage, says: "We don't wish to be hypocrites. No worker, collective farmer or any other working person will object to the fact that any persons who might wish to bring back the capitalist system are not given either free speech or free press by our Constitution." In actual practice, attacks on the socialist system in the USSR are prevented

<sup>14</sup> *Draft Constitution, ibid.*, p. 11.



not by police interference with meetings, such as occur occasionally in America, but by the fact that the various organizations of working people to which the facilities belong will not permit them to be used for such attacks.

"The right to unite in public organizations" (Article 126) is a right not specified in constitutions of capitalist democracies. Under socialism it is a peculiarly precious right, since it is just this whole gamut of organizations—"trade unions, co-operative associations, youth organizations, sport and defense organizations, cultural, technical and scientific societies"—which are relied upon to expand those voluntary collective activities which shall eventually replace the state. Such organizations possess meeting halls, printing presses and publications; they offer a wide variety of self-expression to their members.

It is noteworthy, and to many readers will seem anomalous, that it is just here, in the list of citizens' liberties and under the "right to unite in public organizations," that there occurs the chief mention in the Constitution of the Communist Party, as the organization of "the most active and politically conscious citizens" into "the vanguard of the working people in their struggle to develop and strengthen the socialist system," and as "the leading nucleus of all organizations of the working people, both social and governmental." This unique function of the Communist Party, denounced by many critics of the Soviet Union, brought the two

thousand delegates to the Constitutional Congress—Party members and non-Party members alike—to their feet in cheers and singing. They saw in it the crowning right of citizens, who may not only elect and be elected, not only be assured of work, rest, maintenance, education, but become a continuous part of the leadership of the political and social life of the land.<sup>15</sup>

The liberty of citizens from arbitrary arrest and the inviolability of their homes and correspondence, is granted in Articles 127, 128. "No person may be arrested except by decision of court or the sanction of a state attorney" is a provision roughly equivalent to requiring the swearing out of a warrant. There follows the right of asylum granted (Article 129) to "foreign citizens persecuted for defending the interests of the working people or for scientific activity or for their struggle for national liberation." This right of asylum to foreigners, though specified in no other constitution, has been granted in the past by many democratic countries. The United States of America for generations gave such asylum to the oppressed of other countries, but today she ships them back to imprisonment and death at the hands of the governments from which they fled. While America does sheriff's work for fascism, the Soviet Union offers a new haven for the oppressed.

The rights of man under socialism are given in

<sup>15</sup> See pp. 85-90 for discussion of the function of the Communist Party.

the Soviet Constitution on an ascending scale. They begin with the material basis of life—the right to work, to leisure, to maintenance, to education. They are then widened to include both sexes and all nationalities and races. After these rights to life and equality come an expanding series of freedoms: conscience, speech, press, association, leadership, safeguards against arbitrary arrest, and asylum for the oppressed of the world.

The rights of citizens under socialism carry with them corresponding duties. The socialist state cannot flourish—and with it the well-being of its members—without the attentive energy of all. In a capitalist country the citizen's duty is to obey, and this is enforced without a constitutional provision. A socialist country needs more: it demands an awakened sense of responsibility, the responsibility which citizens bear as owners of their country. The last four articles (Articles 130-133) of the chapter on Citizens' Rights and Duties hold aloft the new ethic of socialism, which is only now coming into being and has not yet penetrated the habits of the entire community.

"It is the duty of every citizen to observe the Constitution of the USSR, to carry out its laws, to maintain labor discipline, honestly to perform his public duties, and to respect the rules of the socialist community," says Article 130. Citizens of all countries are required to obey the laws, but under socialism they must "carry them out," a somewhat more active verb. They have also "public duties"

—their widening participation in government. The phrase here which is however especially new is the requirement "to maintain labor discipline." One of the frequently offered criticisms of socialism is: "It will not work for men will idle." To idle whenever this may be done safely is a natural heritage of capitalism in which the worker protects his strength against exploitation for the profit of another. This tendency lasts over into the first stage of socialism, and must be fought, if the commonly owned wealth is to be rapidly and fully developed. Idlers in the USSR are first approached by patient explanation of the harm they do themselves and their fellow-workers. They are subject to a variety of social pressures: bad records in their labor books, caricatures in the "wall newspaper." The workers themselves protect the discipline of labor in a manner unknown in capitalist countries. Millions of workers in the USSR have already found work to be "a matter of honor and heroism." It is expected that this attitude will become firmly established, and that as socialism grows toward communism, work will become not only a matter of honor, but also, as Marx prophesied, "a living need."

"It is the duty of every citizen to safeguard and strengthen public socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the fatherland, as the source of the prosperous and cultured life of all the working people," says Article 131.



Under capitalism it is private property that must be respected: the whole history of any of the capitalist countries is an epic of tremendous steals—in the grand manner—of the public wealth. Successful thefts of lands, forests, mines, water-rights, by men who thereafter are honored, breeds among ordinary citizens a carelessness of public properties so widespread that critics of socialism argue: "It will not work for men will squander the public wealth."

Under socialism wrecking or wasting of public wealth becomes a major crime; it is an attack upon "the source of the prosperous and cultured life of all." This is the reason for the severe penalties attached to "wrecking" and for the spectacular trials which drive those penalties home to the mind of the people. Men must be taught a new ethic: they must fully appreciate the importance of the commonly owned wealth. In the early years of state ownership of factories there was widespread stealing of tools and raw materials; in the first years of the collective farms there was similarly an epidemic of waste and petty theft. Today the virulence of this has passed. The change of attitude has taken place with remarkable swiftness, though really efficient care of the public wealth still needs to be fully achieved. It is confidently expected that as a generation grows up whose well-being clearly depends on the public properties, men will cherish their common wealth as instinctively as in the past they cherished their private property.

This will be the predicted stage when law and the state will no longer be needed and will "wither away."

All countries recognize defense of the state as a duty of citizens. Socialism does not need war as capitalism does: it expands best in peace and dreads war as destruction both of people and of the common wealth. But in the present state of the world the socialist state is likely to need defense: treason to it is direct betrayal of the common life of all. This common life is more firmly based, and the common interests are more real than under capitalism: citizens go to the front to defend, not the property of their employers, but their own common wealth from attack. Citizen armies, fighting to defend their own homesteads, have in history been regarded as the most invincible. The millions of Soviet citizens who poured into the streets with flags and drums to celebrate the new Constitution bore many banners with this, or similar inscriptions: "We have something to defend and people to defend it." The words pictured vividly to the imagination a country covering one-sixth of the earth's land surface, whose vast wealth of lands, waters, forests, minerals is jointly owned by all of its hundred and seventy million people.

To produce, to cherish, to defend—these are the duties of citizens in a socialist state. And one more—"to respect the rules of the socialist community"—the socialist "living-together" is the Russian word. "We are building a new order, we

are educating a new human being, freed from all the hangovers of capitalist relations," writes Krylenko. "In contrast to the ruling principle of capitalist society, expressed in the old proverb: 'Man to man is an enemy, man to man is a wolf,' we build a socialist society where the ruling principle shall be: 'Man to man is brother, man to man is comrade.'"

CONSTITUTION  
(BASIC LAW)  
OF THE  
UNION OF SOVIET SOCIALIST REPUBLICS



## INTRODUCTORY NOTE

THERE is no strictly official version in English of the Soviet Constitution, since English is not one of the eleven official languages. I have examined seven translations, all made by staffs of experts: The Moscow *News* translation (MN), the Cooperative Publishers (CO), the International Publishers (IP), the Lawrence and Wishart (LW), the Imprecor (IMP), a translation made by the Soviet Embassy in Washington (SE) and a translation made by an English-speaking embassy in Moscow for official use (LEG). The first five vary considerably among themselves but tend towards a sovietized English not always clear to the average reader; the SE translation has improved on much of their phrasing, but not on all. (Note the ungrammatical use of "Union Republic" for constituent republic.) The LEG makes important improvements from the standpoint of legal English, but tends occasionally towards a too-legal phrasing which violates the clear simplicity of the Russian text. I have tried to preserve the feeling of the original in a simple, direct and readable translation, meantime giving footnotes to show the chief differences. The layman should thus be able to read it without confusion, while the student may trace possible shades of interpretation as shown by different texts.

Amendments made by the Constitutional Congress after popular discussion have been indicated in the indented portions of the text.

A. L. S.

## CHAPTER I

### THE STRUCTURE OF SOCIETY<sup>1</sup>

ARTICLE 1: The Union of Soviet Socialist Republics is a socialist state of workers<sup>2</sup> and peasants.<sup>3</sup>

ARTICLE 2: The political foundation of the USSR consists of soviets<sup>4</sup> of working people's<sup>5</sup> deputies, which grew up and became strong as a result of the overthrow of the power of landlords and capitalists and the winning of the dictatorship of the proletariat.

<sup>1</sup> In other translations "Social Organization," "The Organization of Society."

<sup>2</sup> "Workers" means industrial workers, contrasted both with peasants and with white-collar employees. Proposals made during the nation-wide discussion to recognize "intellectuals" in this article—there were various suggested phrasings—were rejected on the ground that this article gives the class basis of Soviet society and that intellectuals are not a separate class. Intellectuals are, however, included in all powers and privileges of the Soviet state, under the word "trudiashchikh-sia," here translated "working people."

<sup>3</sup> I should like to use "farmer" as that is the generic term in America, as "krestianin" is in Russian, for all persons working in agriculture, but I don't venture to oppose all seven translators.

<sup>4</sup> "Soviet" means "council."

<sup>5</sup> All other translations say "toilers" which in English implies heavy, exhausting labor; the Russian word means all persons, including artists and scientists, who do useful work of hand or brain. There is no good English equivalent.

ARTICLE 3: All power in the USSR belongs to the working people of town and country as represented by soviets of working people's deputies.

ARTICLE 4: The economic foundation of the USSR consists of the socialist economic system and the socialist ownership<sup>6</sup> of the tools and means of production, firmly established as a result of the liquidation of the capitalist economic system, the abolition of private ownership<sup>6</sup> of the tools and means of production, and the abolition of the exploitation of man by man.

ARTICLE 5: Socialist property<sup>6</sup> in the USSR has either the form of state property (the wealth<sup>7</sup> of the whole people) or the form of co-operative-collective property (property of separate collective farms, property of co-operative associations).

ARTICLE 6: The land, its deposits, waters, forests, mills, factories, mines, railway, water and air transport, banks, means of communication, large state-organized farm enterprises (state farms, machine-tractor stations, etc.) and also the basic housing facilities in cities and industrial localities are<sup>8</sup> state property, that is, the wealth of the whole people.

<sup>6</sup> "Sobstvennost," i.e., "ownership" or "property." I have chosen now one, now the other, according to the English sense.

<sup>7</sup> "Dostonaniye"—not the same word as "sobstvennost"—implies wealth rather than ownership.

<sup>8</sup> LEG gives "shall be," to conform to English legal use; I retain the present tense to conform with Stalin's emphasis that the Constitution represents attainments to date. In later paragraphs referring to government procedure I follow LEG and also use "shall."

ARTICLE 7: Public enterprises in collective farms and co-operative organizations, with their livestock and equipment, products raised or manufactured by the collective farms and co-operative organizations, as well as their public structures, constitute<sup>9</sup> the public, socialist property of the collective farms and co-operative organizations.

Aside from the basic income from socialized collective farm husbandry, every collective farm household shall have for personal<sup>9</sup> use a plot of land attached to the house and, as personal<sup>9</sup> property, the subsidiary husbandry<sup>10</sup> on the plot, the house, productive livestock, poultry, and small farm tools—according to the statutes of the farming artel.

Words "aside from the basic income from socialized collective farm husbandry" were added by the Constitutional Congress.

ARTICLE 8: The land occupied by collective farms is secured to them without payment and without time limit, that is, forever.

The words "without payment and" were added.

ARTICLE 9: Alongside the socialist system of economy, which is the dominant form of economy in the USSR, the law allows small-scale private enterprise of individual peasants and handcraftsmen based on their personal labor, provided there is no exploitation of the labor of others.

<sup>9</sup> "Its own," "individual," "private" in various translations.

<sup>10</sup> "Auxiliary establishment, or enterprise" in other translations is too pretentious.



ARTICLE 10: The right of personal property of citizens in their income from work and in their savings, in their dwelling house and auxiliary husbandry, in household articles and utensils and in articles for personal use and comfort, as well as the right of inheritance of personal property of citizens, is protected by law.

"As well as the right of inheritance of personal property of citizens" was added in amendment.

ARTICLE 11: The economic life of the USSR is determined and directed by a state plan of national economy in the interests of increasing the public wealth, of steadily raising the material and cultural standard of the working people, and of strengthening the independence of the USSR and its capacity for defense.

ARTICLE 12: Work in the USSR is a duty and a matter of honor for every able-bodied citizen, on the principle: "He who does not work, shall not eat."

In the USSR the principle of socialism is realized: "From each according to his ability, to each according to his work."

"And a matter of honor" was added.

## CHAPTER II

### THE STRUCTURE <sup>11</sup> OF THE STATE

ARTICLE 13: The Union of Soviet Socialist Republics is a federal state, formed on the basis of the volun-

<sup>11</sup> Other translations "State Organization," "The Organization of the State."

tary union <sup>12</sup> of the following Soviet Socialist Republics equal in rights:

The Russian Soviet Federated Socialist Republic;  
The Ukrainian Soviet Socialist Republic;  
The White Russian Soviet Socialist Republic;  
The Azerbaijan Soviet Socialist Republic;  
The Georgian Soviet Socialist Republic;  
The Armenian Soviet Socialist Republic;  
The Turkmen Soviet Socialist Republic;  
The Uzbek Soviet Socialist Republic;  
The Tajik Soviet Socialist Republic;  
The Kazak Soviet Socialist Republic;  
The Kirghiz Soviet Socialist Republic.

ARTICLE 14: Within the jurisdiction of the Union of Soviet Socialist Republics, as represented by its highest organs of power and organs of state administration, shall lie:<sup>13</sup>

(a) Representation of the Union in international relations, conclusion and ratification of treaties with other states;

(b) Questions of war and peace;

(c) Admission of new republics into the USSR;

(d) Supervision of the observance of the Constitution of the USSR and ensurance of the conformity of the constitutions of the constituent republics<sup>14</sup> with

<sup>12</sup> IP translation; others give "association."

<sup>13</sup> "Shall" from LEG translation, correct legal form implying compulsion. Other translations use present tense. See note 8.

<sup>14</sup> LEG translation. All others use "union republic," which is not only confusing but inaccurate, as "soyuznaya" is an adjective, the same incidentally, as is translated "federal"

the Constitution of the USSR;

(e) Confirmation of changes of boundaries between constituent republics;

(f) Confirmation of the formation of new territories and provinces<sup>15</sup> as well as new autonomous republics within the constituent republics;

This paragraph (f) was added.

(g) Organization of the defense of the USSR and the direction of all the armed forces of the USSR;

(h) Foreign trade on the basis of state monopoly;

(i) Protection of the security of the state;

(j) Establishment of national economic plans of the USSR;

(k) Confirmation of the unified state budget of the USSR as well as of the taxes and revenues which go to form the All-Union,<sup>16</sup> the republic and the local budgets;

(l) Administration of banks, industrial and agricultural establishments and enterprises and also of trading enterprises of All-Union importance;

(m) Administration of transport and communications;

(n) Direction of the monetary and credit system;

(o) Organization of state insurance;

The original draft had "of property" added; these words were stricken out.

in Article 13. "Federated republic" is a possible translation, but "constituent" is the English word for "belonging to and making up the Union," the exact meaning of "soyuznaya."

<sup>15</sup> "Krai" given as "territory," "oblast" as "province," following majority of translations.

<sup>16</sup> All-Union, the equivalent of "Federal" in America.

(p) Contracting and granting of loans;

(q) Establishment of the fundamental principles for the use of land as well as for the exploitation of its deposits, forests and waters;

(r) Establishment of the fundamental principles in the domain of education and public health;

(s) Organization of a single<sup>17</sup> system of national economic accounting;

(t) Establishment of the principles of labor legislation;

(u) Legislation governing the organization of courts and judicial procedure; criminal and civil codes;

(v) Laws regarding citizenship of the Union; laws concerning the rights of foreigners;

(w) Passing All-Union acts of amnesty.

ARTICLE 15: The sovereignty of the constituent republics shall be<sup>18</sup> restricted only within the limits set forth in Article 14 of the Constitution of the USSR. Outside of these limits, each constituent republic shall exercise state power independently. The USSR shall protect the sovereign rights of the constituent republics.

ARTICLE 16: Each constituent republic shall have its own constitution, which shall take into account the peculiarities of the republic and be drawn up in full conformity with the Constitution of the USSR.

ARTICLE 17: The right freely to secede from the USSR is reserved to each constituent republic.

<sup>17</sup> "Unified" in most translations.

<sup>18</sup> "Shall" from LEG translation. See notes 8 and 13. Henceforth this legal form will be used without comment. The other translations use present tense throughout.



ARTICLE 18: The territory of the constituent republics may not be altered without their consent.

ARTICLE 19: The laws of the USSR shall have like force in the territories of all constituent republics.

ARTICLE 20: In case of conflict between a law of a constituent republic and a law of the Union, the All-Union law shall prevail.

ARTICLE 21: A single Union citizenship is established for all citizens of the USSR. Every citizen of a constituent republic is a citizen of the USSR.

ARTICLE 22: The Russian Soviet Federated Socialist Republic shall consist of the following territories: Azov-Black Sea, Far-Eastern, West Siberian, Krasnoyarsk and North Caucasus; of the provinces: Voronezh, East Siberia, Gorky, Western, Ivanovo, Kalinin, Kirov, Kuibyshev, Kursk, Leningrad, Moscow, Omsk, Orenburg, Saratov, Sverdlovsk, Northern, Stalingrad, Chelyabinsk and Yaroslav; of the autonomous soviet socialist republics; Tatar, Bashkir, Daghestan, Buryat-Mongolian, Kabardino-Balkarian, Kalmyk, Karelian, Komi, Crimean, Mari, Mordovian, Volga German, North Ossetian, Udmurt, Chechen-Ingush, Chuvash and Yakut; and of the autonomous provinces: Adygei, Jewish, Karachai, Oirat, Khakass and Cherkess.

ARTICLE 23: The Ukrainian Soviet Socialist Republic shall consist of the following provinces: Vinnitsa, Dnepropetrovsk, Donetsk, Kiev, Odessa, Kharkov and Chernigov and the Moldavian Autonomous Soviet Socialist Republic.

ARTICLE 24: The Azerbaijan Soviet Socialist Republic shall include the Nakhichevan Autonomous Soviet Socialist Republic and the Nagorno-Karabakh Autonomous Province.

ARTICLE 25: The Georgian Soviet Socialist Republic shall include the Abkhazian ASSR, the Ajar ASSR and the South Ossetian Autonomous Province.

ARTICLE 26: The Uzbek Soviet Socialist Republic shall include the Kara-Kalpak ASSR.

ARTICLE 27: The Tadjik Soviet Socialist Republic shall include the Gorno-Badakhshan Autonomous Province.

ARTICLE 28: The Kazak Soviet Socialist Republic shall consist of the following provinces: Aktyubinsk, Alma-Ata, East Kazakstan, West Kazakstan, Karaganda, Kustanai, North Kazakstan, South Kazakstan.

ARTICLE 29: The Armenian SSR, the White Russian SSR, the Turkmen SSR, and the Kirghiz SSR shall contain no autonomous republics or territories or provinces.

### CHAPTER III

#### THE HIGHEST<sup>19</sup> ORGANS OF STATE POWER OF THE UNION OF SOVIET SOCIALIST REPUBLICS

ARTICLE 30: The highest organ of state power of the USSR is the Supreme Soviet<sup>20</sup> of the USSR.

<sup>19</sup> SE translation, others have "Supreme." The Russian word is "Vishi," not the same as in "Supreme Soviet."

<sup>20</sup> "Verkhovny Soviet." Translated "Supreme Council"

ARTICLE 31: The Supreme Soviet of the USSR shall exercise all the rights vested in the Union of Soviet Socialist Republics in accordance with Article 14 of the Constitution, insofar as they do not, by virtue of the Constitution, fall within the competence of organs of the USSR accountable to the Supreme Soviet of the USSR, i.e., the Presidium of the Supreme Soviet of the USSR, the Council<sup>21</sup> of Peoples' Commissars of the USSR and the Peoples' Commissariats of the USSR.

ARTICLE 32: The legislative power of the USSR shall be exercised exclusively by the Supreme Soviet of the USSR.

ARTICLE 33: The Supreme Soviet of the USSR shall consist of two chambers: the Soviet<sup>22</sup> of the Union and the Soviet of Nationalities.

ARTICLE 34: The Soviet of the Union shall be elected by the citizens of the USSR by electoral districts on except in LEG translation. Since all translations use "Soviet" everywhere else the same Russian word occurs, as "village soviet," "Union of Soviet Socialist Republics," "soviets of working people's deputies," "the political foundation of the USSR consists of soviets," it is politically confusing to change suddenly to "Council" for the supreme body of the land, consisting of more than a thousand elected representatives. "Council" implies a small appointed body, accentuates the contrast with the previous "Congress of Soviets," and gives the impression of a group of dictators or a return to capitalist democracy. I therefore follow LEG in retaining the word "Soviet," the form universal throughout the entire structure of Soviet power.

<sup>21</sup> "Soviet Narodny Kommissarov." I retain "Council" here since it is a small appointed body.

<sup>22</sup> See note 20. Same word here.

the basis of one deputy for every 300,000 of the population.

ARTICLE 35: The Soviet of Nationalities shall be elected by the citizens of the USSR by constituent and autonomous republics, autonomous provinces and national regions<sup>23</sup> on the basis of twenty-five deputies from each constituent republic, eleven deputies from each autonomous republic, five deputies from each autonomous province and one deputy from each national region.

In the original draft this read: "The Soviet of Nationalities shall consist of deputies appointed by the Supreme Soviets of the constituent and autonomous republics and the soviets of working people's deputies in the autonomous provinces; on the basis of ten deputies from each constituent republic, five deputies from each autonomous republic and two deputies from each autonomous province."

ARTICLE 36: The Supreme Soviet of the USSR shall be elected for a term of four years.

ARTICLE 37: The two chambers of the Supreme Soviet of the USSR, the Soviet of the Union and the Soviet of Nationalities, shall have equal rights.

ARTICLE 38: The legislative initiative shall belong in equal degree to the Soviet of the Union and the Soviet of Nationalities.

<sup>23</sup> "Okrugs," also "districts." Cf. note to Article 94.



ARTICLE 39: A law shall be considered adopted if passed by both chambers of the Supreme Soviet of the USSR by a simple majority in each.

ARTICLE 40: Laws passed by the Supreme Soviet of the USSR shall be published in the languages of the constituent republics over the signatures of the Chairman<sup>24</sup> and Secretary of the Presidium of the Supreme Soviet of the USSR.

"In the languages of the constituent republics" was added.

ARTICLE 41: The sessions of the Soviet of the Union and the Soviet of Nationalities shall begin and terminate simultaneously.

ARTICLE 42: The Soviet of the Union shall elect a Chairman<sup>24</sup> of the Soviet of the Union and two Vice-Chairmen.

ARTICLE 43: The Soviet of Nationalities shall elect a Chairman of the Soviet of Nationalities and two Vice-Chairmen.

ARTICLE 44: The Chairmen of the Soviet of the Union and of the Soviet of Nationalities shall preside over the meetings of the respective chambers and regulate their internal procedure.

ARTICLE 45: Joint sessions of both chambers of the Supreme Soviet of the USSR shall be presided over alternately by the Chairman of the Soviet of the Union and the Chairman of the Soviet of Nationalities.

<sup>24</sup> LEG uses "President."

ARTICLE 46: Sessions of the Supreme Soviet of the USSR shall be convened by the Presidium of the Supreme Soviet of the USSR twice a year.

Special sessions shall be convened by the Presidium of the Supreme Soviet of the USSR at its discretion or on the demand of one of the constituent republics.

ARTICLE 47: In case of disagreement between the Soviet of the Union and the Soviet of Nationalities the question shall be referred for settlement to a conciliation commission formed on a parity basis. If the conciliation commission does not come to an agreement, or if its decision does not satisfy one of the chambers, the question shall be considered a second time in the chambers. Failing an agreed decision of the two chambers, the Presidium of the Supreme Soviet of the USSR shall dissolve the Supreme Soviet of the USSR and shall fix new elections.

ARTICLE 48: The Supreme Soviet of the USSR shall elect at a joint sitting of both chambers the Presidium of the Supreme Soviet of the USSR, consisting of the Chairman of the Presidium of the Supreme Soviet of the USSR, eleven Vice-Chairmen, the Secretary of the Presidium and twenty-four members of the Presidium.

Original draft had four Vice-Chairmen and thirty-one members.

The Presidium of the Supreme Soviet of the USSR shall be accountable to the Supreme Soviet of the USSR in all its activities.

ARTICLE 49: The Presidium of the Supreme Soviet of the USSR shall:

(a) Convene the sessions of the Supreme Soviet of the USSR;

(b) Interpret existing laws of the USSR and issue decrees;

(c) Dissolve the Supreme Soviet of the USSR in conformity with Article 47 of the Constitution of the USSR and fix new elections;

(d) Hold consultations of the entire people (referendums) on its own initiative or on the demand of one of the constituent republics;

(e) Rescind decisions and orders of the Council of Peoples' Commissars of the USSR and the Council of Peoples' Commissars of the constituent republics in case they do not conform to the law;

(f) In the intervals between sessions of the Supreme Soviet of the USSR, remove from office and appoint Peoples' Commissars of the USSR at the instance of the Chairman of the Council of Peoples' Commissars of the USSR, subject to subsequent confirmation by the Supreme Soviet of the USSR;

(g) Award decorations of the USSR and bestow honorary titles of the USSR;

"Bestow honorary titles" was added.

(h) Exercise the right of pardon;

(i) Appoint and replace the high command of the armed forces of the USSR;

(j) In the intervals between sessions of the Supreme Soviet of the USSR, declare a state of war in case of an armed attack upon the USSR, or in case of the need of fulfilling international treaty obligations of mutual defense against aggression;

The phrase "or in case of the need of fulfilling international treaty obli-

gations of mutual defense against aggression" was added amid applause, the only applause greeting the reading of any amendment.

(k) Declare general or partial mobilization;

(l) Ratify international treaties;

(m) Appoint and recall plenipotentiary representatives of the USSR to foreign states;

(n) Receive the credentials and letters of recall of diplomatic representatives of foreign states accredited to it.

The original draft read, "Accepts the credentials of diplomatic representatives of foreign states."

ARTICLE 50: The Soviet of the Union and the Soviet of Nationalities shall elect credentials committees<sup>25</sup> which shall verify the credentials of the members of the respective chambers.

On representation of the credentials committee the chamber shall decide either to recognize the credentials or to declare invalid the elections of individual deputies.

ARTICLE 51: The Supreme Soviet of the USSR shall appoint, whenever it deems necessary, investigating and auditing commissions on any matter.

All institutions and officials are bound to comply with the demands of these commissions and to submit to them the necessary materials and documents.

ARTICLE 52: A deputy of the Supreme Soviet of the USSR may not be prosecuted or arrested without the consent of the Supreme Soviet of the USSR, and dur-

<sup>25</sup> Following LEG; others use "commissions."



ing the period when the Supreme Soviet of the USSR is not in session, without the consent of the Presidium of the Supreme Soviet of the USSR.

ARTICLE 53: On the expiration of the term of office of the Supreme Soviet of the USSR, or on its dissolution before the expiration of its term, the Presidium of the Supreme Soviet of the USSR shall retain its powers until the formation of a new Presidium of the Supreme Soviet of the USSR by the newly elected Supreme Soviet of the USSR.

ARTICLE 54: On the expiration of the term of office of the Supreme Soviet of the USSR, or on its dissolution before the expiration of its term, the Presidium of the Supreme Soviet of the USSR shall fix new elections to be held within a period of not more than two months from the date of expiration of the term of office or the dissolution of the Supreme Soviet of the USSR.

ARTICLE 55: The newly elected Supreme Soviet of the USSR shall be convened by the Presidium of the former Supreme Soviet of the USSR not later than one month after the elections.

ARTICLE 56: The Supreme Soviet of the USSR at a joint session of both chambers shall set up the executive<sup>26</sup> of the USSR—the Council of Peoples' Commissars of the USSR.

<sup>26</sup> All other translations "government," in the European sense, i.e., executive branch.

#### CHAPTER IV

#### THE HIGHEST<sup>27</sup> ORGANS OF STATE POWER OF THE CONSTITUENT REPUBLICS

ARTICLE 57: The highest organ of state power of a constituent republic shall be the Supreme Soviet of the constituent republic.

ARTICLE 58: The Supreme Soviet of a constituent republic shall be elected by the citizens of the republic for a term of four years.

The rates of representation shall be fixed by the constitutions of the constituent republics.

ARTICLE 59: The Supreme Soviet of a constituent republic shall be the only legislative organ of the republic.

ARTICLE 60: The Supreme Soviet of a constituent republic shall:

(a) Adopt the constitution of the republic and amend it in accordance with Article 16 of the Constitution of the USSR;

(b) Approve the constitutions of the autonomous republics included in it and define the boundaries of their territories;

(c) Approve the economic plan and budget of the republic;

(d) Exercise the right of amnesty and pardon of citizens sentenced by the judicial organs of the constituent republic.

<sup>27</sup> From SE translation; others have "Supreme."

ARTICLE 61: The Supreme Soviet of a constituent republic shall elect the Presidium of the Supreme Soviet of the constituent republic consisting of: the Chairman of the Presidium of the Supreme Soviet of the constituent republic, Vice-Chairmen, a Secretary of the Presidium and members of the Presidium of the Supreme Soviet of the constituent republic.

"Secretary of the Presidium" was added.

The powers of the Presidium of the Supreme Soviet of a constituent republic shall be defined by the constitution of the constituent republic.

ARTICLE 62: To conduct its sessions, the Supreme Soviet of a constituent republic shall elect its Chairman and Vice-Chairmen.

ARTICLE 63: The Supreme Soviet of a constituent republic shall set up the executive<sup>28</sup> of the constituent republic—the Council of Peoples' Commissars of the constituent republic.

## CHAPTER V

### ORGANS OF STATE ADMINISTRATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS

ARTICLE 64: The highest executive and administrative organ of state power of the Union of Soviet Socialist Republics shall be the Council of Peoples' Commissars of the USSR.

ARTICLE 65: The Council of Peoples' Commissars of the USSR shall be responsible to the Supreme Soviet of the USSR and accountable to it; and between sessions of the Supreme Soviet, to the Presidium of the Supreme Soviet of the USSR.

"And between sessions of the Supreme Soviet, to the Presidium of the Supreme Soviet of the USSR" was added.

ARTICLE 66: The Council of Peoples' Commissars of the USSR shall issue resolutions<sup>28</sup> and orders on the basis of, and in execution of, the existing laws and shall verify their execution.

ARTICLE 67: Resolutions and orders of the Council of Peoples' Commissars of the USSR shall be binding throughout the entire territory of the USSR.

ARTICLE 68: The Council of Peoples' Commissars of the USSR shall:

(a) Co-ordinate and direct the work of the All-Union and Union-Republic Peoples' Commissariats of the USSR and of the other economic and cultural institutions subordinate to it;

(b) Take measures to carry out the national economic plan and state budget and to strengthen the credit-monetary system;

(c) Take measures to secure public order, to defend the interests of the state, and to safeguard the rights of citizens;

(d) Exercise general supervision in the sphere of relations with foreign states;

<sup>28</sup> LEG wording; others give "decisions."



(e) Fix the annual contingent of citizens to be called for active military service and direct the general organization of the armed forces of the country;

(f) Set up, when necessary, special committees and central administrations attached to the Council of Peoples' Commissars of the USSR for economic, cultural and defense construction.

This paragraph (f) was added.

ARTICLE 69: The Council of Peoples' Commissars of the USSR shall have the right, in respect to those branches of administration and economy which come within the competence of the USSR, to suspend resolutions and orders of the Councils of Peoples' Commissars of the constituent republics and to annul orders and instructions of Peoples' Commissars of the USSR.

ARTICLE 70: The Council of Peoples' Commissars of the USSR shall be formed by the Supreme Soviet of the USSR and shall consist of:

The Chairman of the Council of Peoples' Commissars of the USSR;

The Vice-Chairmen of the Council of Peoples' Commissars of the USSR;

The Chairman of the State Planning Commission of the USSR;

The Chairman of the Soviet Control Commission;

The Peoples' Commissars of the USSR;

The Chairman of the Committee on Agricultural Products;<sup>29</sup>

The Chairman of the Committee on Arts;

<sup>29</sup> LEG has "procurements"; SE has "stocks"; others have "for purchasing agricultural products."

The Chairman of the Committee on Higher Education.

ARTICLE 71: The Executive of the USSR or a Peoples' Commissar of the USSR to whom any question by a member of the Supreme Soviet of the USSR is addressed shall be obliged to give a verbal or written reply in the respective chamber within a period of not more than three days.

ARTICLE 72: The Peoples' Commissars of the USSR shall direct the branches of state administration which come within the competence of the USSR.

The word "vedayut," "has charge of," in original draft was changed to "rukovodiat," "directs." The same change was also made in Articles 75, 76, 84, 87.

ARTICLE 73: The Peoples' Commissars of the USSR shall issue, within the limits of the competence of the respective Peoples' Commissariats, orders and instructions on the basis of, and in execution of, existing laws as well as of resolutions and orders of the Council of Peoples' Commissars of the USSR, and shall verify their execution.

ARTICLE 74: The Peoples' Commissarists of the USSR shall be either All-Union or Union-Republic.

ARTICLE 75: The All-Union Peoples' Commissariats shall direct the branches of state administration entrusted to them throughout the territory of the USSR either directly or through organs appointed by them.

ARTICLE 76: The Union-Republic Peoples' Commissariats shall direct the branches of state administration entrusted to them, as a rule, through like-named Peoples' Commissariats of the constituent republics, and shall directly administer only a definite limited number of enterprises according to a list confirmed by the Presidium of the Supreme Soviet of the USSR.

"As a rule" and "and shall directly administer only a definite limited number of enterprises according to a list confirmed by the Presidium of the Supreme Soviet of the USSR" were added.

ARTICLE 77: The following Peoples' Commissariats shall be All-Union Peoples' Commissariats:

Defense;  
Foreign Affairs;  
Foreign Trade;  
Railways;<sup>30</sup>  
Communications;  
Water Transport;  
Heavy Industry;  
Defense Industry.

"Defense Industry" was added.

ARTICLE 78: The following Peoples' Commissariats shall be Union-Republic Peoples' Commissariats:

Food Industry;  
Light Industry;  
Timber Industry;

<sup>30</sup> Literally "Ways of Communication" but refers to railways.

Agriculture;  
State Grain and Livestock Farms;  
Finance;  
Internal Trade;  
Internal Affairs;  
Justice;  
Health.

## CHAPTER VI

### ORGANS OF STATE ADMINISTRATION OF THE CONSTITUENT REPUBLICS

ARTICLE 79: The highest executive and administrative organ of state power of a constituent republic shall be the Council of Peoples' Commissars of the constituent republic.

ARTICLE 80: The Council of Peoples' Commissars of a constituent republic shall be responsible to the Supreme Soviet of the constituent republic and accountable to it, and in the intervals between sessions of the Supreme Soviet of a constituent republic, to the Presidium of the Supreme Soviet of the constituent republic.

"And in the intervals between sessions of the Supreme Soviet of a constituent republic, to the Presidium of the Supreme Soviet of the constituent republic" was added.

ARTICLE 81: The Council of Peoples' Commissars of a constituent republic shall issue resolutions<sup>28</sup> and orders on the basis of, and in execution of, the existing laws of the USSR and of the constituent republic, and



of the resolutions and orders of the Council of Peoples' Commissars of the USSR, and shall verify their execution.

ARTICLE 82: The Council of Peoples' Commissars of a constituent republic shall have the right to suspend the resolutions and orders of the Council of Peoples' Commissars of the autonomous republics and to rescind the decisions and orders of the executive committees of the soviets of working people's deputies of territories, provinces and autonomous provinces.

ARTICLE 83: The Council of Peoples' Commissars of a constituent republic shall be formed by the Supreme Soviet of the constituent republic and shall consist of:

- The Chairmen of the Council of Peoples' Commissars of the constituent republic;
- The Vice-Chairmen;
- The Chairman of the State Planning Commission;
- The Peoples' Commissars for:
  - Food Industry;
  - Light Industry;
  - Timber Industry;
  - Agriculture;
  - State Grain and Livestock Farms;
  - Finance;
  - Internal Trade;
  - Internal Affairs;
  - Justice;
  - Health;
  - Education;
  - Local Industry;

- Municipal Economy;
- Social Welfare;
- A representative of the Committee on Agricultural Products;
- Chief of the Administration for Arts;
- Representatives of the All-Peoples' Commissariats.

ARTICLE 84: The Peoples' Commissars of a constituent republic shall direct those branches of state administration which come within the competence of the constituent republic.

ARTICLE 85: The Peoples' Commissars of a constituent republic shall issue, within the limits of the competence of the respective Peoples' Commissariats, orders and instructions on the basis of, and in execution of, the laws of the USSR and the constituent republic, of resolutions and orders of the Council of Peoples' Commissars of the USSR and of the constituent republic, and of orders and instructions of the Union-Republic Peoples' Commissariats of the USSR.

ARTICLE 86: The Peoples' Commissariats of a constituent republic shall be either Union-Republic or Republic.

ARTICLE 87: Union-Republic Peoples' Commissariats shall direct the branches of state administration entrusted to them and shall be subordinate both to the Council of Peoples' Commissars of the constituent republic and to the corresponding Union-Republic Peoples' Commissariat of the USSR.

ARTICLE 88: Republic Peoples' Commissariats shall direct the branch of state administration entrusted to

them and shall be subordinate directly to the Council of Peoples' Commissars of the constituent republic.

#### CHAPTER VII

### THE HIGHEST<sup>27</sup> ORGANS OF STATE POWER OF THE AUTONOMOUS SOVIET SOCIALIST REPUBLICS

ARTICLE 89: The highest organ of state power of an autonomous republic is the Supreme Soviet of the ASSR.

ARTICLE 90: The Supreme Soviet of an autonomous republic shall be elected by the citizens of the republic for a term of four years, according to rates of representation fixed by the constitution of the autonomous republic.

ARTICLE 91: The Supreme Soviet of an autonomous republic shall be the only legislative organ of the ASSR.

ARTICLE 92: Each autonomous republic shall have its own constitution, which shall take into account the peculiarities of the autonomous republic and which shall be drawn up in full conformity with the constitution of the constituent republic.

ARTICLE 93: The Supreme Soviet of an autonomous republic shall elect the Presidium of the Supreme Soviet of the autonomous republic and shall form the Council of Peoples' Commissars of the autonomous republic in accordance with its constitution.

#### CHAPTER VIII

### LOCAL ORGANS OF STATE POWER

ARTICLE 94: Soviets of working people's deputies shall be the organs of state power in territories,<sup>31</sup> provinces, autonomous provinces, regions, districts, cities and rural localities<sup>32</sup> (stanitsa, village, khutor, kishlak, aul).

ARTICLE 95: The soviets of working people's deputies of territories, provinces, autonomous provinces, regions, districts, cities and rural localities (stanitsa, village, khutor, kishlak, aul) shall be elected by the working people in the respective territories, provinces, autonomous provinces, regions, districts, cities and rural localities for a term of two years.

ARTICLE 96: The rates of representation for the soviets of working people's deputies shall be fixed by the constitution of the constituent republic.

ARTICLE 97: The soviets of working people's deputies shall direct the activity of the organs of adminis-

<sup>31</sup> "Krai," territory;  
 "oblast," province;  
 "okrug," region;  
 "rayon," district;  
 "stanitsa," Cossack village;  
 "khutor," hamlets of a few farms;  
 "kishlak," village in Central Asia;  
 "aul," mountain or desert village, especially in the Caucasus.

<sup>32</sup> "Villages" in all translations except SE; a rural administrative unit including several villages or hamlets.



tration subordinate to them, ensure the maintenance of public order, the observance of the laws and the protection of the rights of citizens, direct the local economic and cultural construction and draw up the local budget.

"Carry out local economic and cultural construction" in the original draft was changed to "direct the local economic and cultural construction."

ARTICLE 98: The soviets of working people's deputies shall make decisions and issue orders within the limits of the powers conferred on them by the laws of the USSR and the constituent republic.

ARTICLE 99: The executive and administrative organs of the soviets of working people's deputies of territories, provinces, autonomous provinces, regions, districts, cities and rural localities shall be the executive committees elected by them consisting of a Chairman, Vice-Chairman, Secretary and members.

"And rural localities" and "Secretary" were added.

ARTICLE 100: The executive and administrative organs of rural soviets of working people's deputies in small settlements, in accordance with the constitution of the constituent republics, shall be the Chairman, Vice-Chairman and Secretary elected by them.

"Secretary" was added.

ARTICLE 101: The executive organs of the soviets of working people's deputies shall be directly accountable both to the soviet of working people's deputies

which elected them and to the executive organ of the higher soviet of working people's deputies.

## CHAPTER IX

### THE COURT AND THE ATTORNEY-GENERAL'S <sup>33</sup> OFFICE

ARTICLE 102: Justice in the USSR shall be administered by the Supreme Court of the USSR, the Supreme Courts of the constituent republics, territorial and provincial courts, courts of autonomous republics and autonomous provinces, regional courts, special courts of the USSR created by resolution of the Supreme Soviet of the USSR, and peoples' courts.

"Regional [okrug] courts" was added to original draft. Russian text uses different word for "resolution" in the original and final drafts.

ARTICLE 103: Cases in all courts shall be tried with the participation of peoples' associate judges <sup>34</sup> except in cases specially provided for by law.

ARTICLE 104: The Supreme Court of the USSR shall be the highest judicial organ. It shall be charged with supervision of the judicial activities of all the judicial organs of the USSR and of the constituent republics.

The word "judicial" was inserted before the word "activities."

<sup>33</sup> Also given "State Prosecutor," "State Attorney." I have used Attorney-General for American readers, with state and district attorneys for the subordinate divisions.

<sup>34</sup> Literally "co-sitters"; several versions use "assessors."

ARTICLE 105: The Supreme Court of the USSR and the special courts of the USSR shall be elected by the Supreme Soviet of the USSR for a term of five years.

ARTICLE 106: The Supreme Courts of the constituent republics shall be elected by the Supreme Soviets of the constituent republics for a term of five years.

ARTICLE 107: The Supreme Courts of the autonomous republics shall be elected by the Supreme Soviets of the autonomous republics for a term of five years.

ARTICLE 108: Territorial and provincial courts, courts of autonomous provinces and regional courts shall be elected by the soviets of working people's deputies of the territories, provinces, regions and autonomous provinces for a term of five years.

"Regional" [okrug] was added.

ARTICLE 109: The peoples' courts shall be elected for a term of three years by the citizens of the district, by secret vote, on the basis of universal, direct and equal suffrage.

ARTICLE 110: Court proceedings shall be conducted in the language of the constituent or autonomous republic or autonomous province with the guarantee to persons not knowing the language of full acquaintance with the material of the case through an interpreter and also of the right to speak in court in their native language.

ARTICLE 111: In all courts of the USSR cases shall be heard in public unless otherwise provided by law, and the accused shall be guaranteed the right to defense.

ARTICLE 112: The judges are independent and shall be subordinate only to the law.

ARTICLE 113: The highest supervision over the strict observance of laws by all the Peoples' Commissariats and institutions subordinate to them, as well as by individual officials and also by citizens of the USSR, is vested in the Attorney-General of the USSR.

ARTICLE 114: The Attorney-General of the USSR shall be appointed by the Supreme Soviet of the USSR for a term of seven years.

ARTICLE 115: State attorneys of republics, territories and provinces, as well as state attorneys of autonomous republics and autonomous provinces shall be appointed by the Attorney-General of the USSR for a term of five years.

ARTICLE 116: District attorneys of regions, districts and cities shall be appointed for a term of five years by the state attorneys of the constituent republics and confirmed by the Attorney-General of the USSR.

"Regions, districts and cities" in final draft replaced "district" in original draft.

ARTICLE 117: The state and district attorneys' offices shall perform their functions independently of any local organs whatsoever and be subordinate solely to the Attorney-General of the USSR.



## CHAPTER X

BASIC RIGHTS AND DUTIES<sup>35</sup> OF CITIZENS

ARTICLE 118: Citizens of the USSR have<sup>36</sup> the right to work, that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality.

The right to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment.

"That is" in the final draft replaced a dash in the original draft. "Elimination of the possibility of economic crises" replaced "the absence of economic crises."

ARTICLE 119: Citizens of the USSR have the right to rest.<sup>37</sup>

The right to rest is ensured by the reduction of the working day to seven hours for the overwhelming majority of the workers, the institution of annual vacations with pay for workers and other employees, and the provision of a wide network of sanatoria, rest homes and clubs serving the needs of the working people.

<sup>35</sup> Some translations use "Fundamental" for "Basic"; and "Obligations" for "Duties."

<sup>36</sup> LEG "shall have," but I here revert to present tense for Articles 118-122 in common with all the other translations, having employed the LEG form throughout all discussions of government structure.

<sup>37</sup> SE adds "and leisure."

ARTICLE 120: Citizens of the USSR have the right to material security<sup>38</sup> in old age and also in case of sickness or loss of capacity to work.

This right is ensured by the wide development of social insurance of workers and other employees at state expense, free medical service for the working people, and the provision of a wide network of health resorts at the disposal of the working people.

"For the working people" was inserted after "free medical service."

ARTICLE 121: Citizens of the USSR have the right to education.

This right is ensured by universal compulsory elementary education, by education free of charge including higher education, by a system of state stipends<sup>39</sup> for the overwhelming majority of students in higher schools, by instruction in schools in the native language, and by the organization in factories, state farms, machine-tractor stations and collective farms of free industrial, technical and agricultural education for the working people.

ARTICLE 122: Women in the USSR are accorded equal rights with men in all spheres of economic, state, cultural, social and political<sup>40</sup> life.

The realization of these rights of women is ensured by affording women equally with men the right to work, payment for work, rest, social insurance and education, and by state protection of the interests of

<sup>38</sup> SE gives "maintenance."

<sup>39</sup> SE gives "scholarships."

<sup>40</sup> Strictly, "social-political."

mother and child, pregnancy leave with pay, and the provision of a wide network of maternity homes, nurseries and kindergartens.

ARTICLE 123: Equal rights for citizens of the USSR, irrespective of their nationality or race, in all spheres of economic, state, cultural, social and political life, shall be an irrevocable law.

Any direct or indirect limitation of these rights, or, conversely, any establishment of direct or indirect privileges for citizens on account of their race or nationality, as well as any propagation of racial or national exclusiveness<sup>41</sup> or hatred and contempt, shall be punished by law.

ARTICLE 124: In order to ensure to citizens freedom of conscience, the church in the USSR shall be separated from the state, and the school from the church. Freedom of religious worship<sup>42</sup> and freedom of anti-religious propaganda shall be recognized for all citizens.

ARTICLE 125: In accordance with the interests of the working people, and in order to<sup>43</sup> strengthen the socialist system, the citizens of the USSR are guaranteed by law:

- (a) Freedom of speech;
- (b) Freedom of the press;
- (c) Freedom of assembly and meetings;
- (d) Freedom of street processions and demonstrations.

<sup>41</sup> "Exceptionalism" in many translations.

<sup>42</sup> SE translation; others give "to perform religious rites." Literally, "to perform the activities of the religious cult."

<sup>43</sup> All except SE give "for the purpose of."

These rights of citizens are ensured by placing at the disposal of the working people and their organizations printing shops, supplies of paper, public buildings, the streets, means of communication and other material requisites for the exercise of these rights.

"By law" was inserted.

ARTICLE 126: In accordance with the interests of the working people, and for the purpose of developing the organized self-expression and political activity of the masses of the people, citizens of the USSR are ensured the right to unite in public organizations—trade unions, co-operative associations, youth organizations, sport and defense organizations, cultural, technical, and scientific societies; and the most active and politically conscious citizens from the ranks of the working class and other strata of the working people unite in the All-Union Communist Party (of Bolsheviks), which is the vanguard of the working people in their struggle to strengthen and develop the socialist system and which represents the leading nucleus of all organizations of the working people, both social<sup>44</sup> and state.

"The All-Union Communist Party (of Bolsheviks)," i.e., the official name, in the final draft replaced "the Communist Party of the USSR" of the original draft.

ARTICLE 127: Citizens of the USSR are guaranteed inviolability of the person. No one may be subject to arrest except by an order of the court or with the sanction of a state attorney.<sup>45</sup>

<sup>44</sup> SE; others give "public."

<sup>45</sup> Includes district attorneys and Attorney-General.



ARTICLE 128: The inviolability of the homes of citizens and secrecy of correspondence are protected by law.

ARTICLE 129: The USSR grants the right of asylum to foreign citizens persecuted for defending the interests of the working people or for scientific activity or for their struggle for national liberation.

ARTICLE 130: It is the duty<sup>46</sup> of every citizen of the USSR to observe the Constitution of the Union of Soviet Socialist Republics, to carry out the laws, to maintain labor discipline, honestly to perform his public duties<sup>47</sup> and to respect the rules of the socialist community.

ARTICLE 131: It is the duty of every citizen of the USSR to safeguard and strengthen public socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the fatherland, as the source of the prosperous and cultural life of all the working people.

Persons making attacks<sup>48</sup> upon public socialist property shall be<sup>49</sup> regarded as enemies of the people.

ARTICLE 132: Universal military duty shall be the law.

Military service in the Workers' and Peasants' Red Army represents an honorable duty of the citizens of the USSR.

<sup>46</sup> SE; others give "Every citizen—is obliged. . . ."

<sup>47</sup> "Honestly to regard his social duties," or "to take an honest attitude towards."

<sup>48</sup> "Attempting to violate," "to infringe" are other versions.

<sup>49</sup> LEG; all others say "are."

ARTICLE 133: The defense of the fatherland is the sacred duty of every citizen of the USSR. Treason to the homeland<sup>50</sup>: violation of the oath, desertion to the enemy, impairing the military might of the state, espionage: shall be punished with the full severity of the law as the gravest crime.

The original draft contained "on behalf of a foreign state" after "espionage."

## CHAPTER XI

### THE ELECTORAL SYSTEM

ARTICLE 134: Elections of deputies to all the soviets of working people's deputies; to the Supreme Soviet of the USSR; to the Supreme Soviets of the constituent republics; to the territorial and provincial soviets of working people's deputies; to the Supreme Soviets of the autonomous republics; to the soviets of working people's deputies of autonomous provinces; to the soviets of working people's deputies of the regions, towns and rural districts (stanitsas, villages, khutors, kishlaks, auls)<sup>51</sup> shall be effected by the voters on the basis of universal, equal and direct suffrage, by secret ballot.

ARTICLE 135: The elections of deputies shall be universal: all citizens of the USSR who have reached the age of 18, irrespective of race and nationality, religion,

<sup>50</sup> All other translations give "fatherland," but "rodina" is a more intimate term than "otechestvo," translated "fatherland" just above.

educational qualifications, residence, social origin, property status or past activity, shall have the right to take part in the elections of deputies and to be elected, with the exception of insane persons and persons condemned by court with deprivation of electoral rights.

Article 135 in the original draft read as follows:

"Elections of deputies are universal: all citizens in the USSR who in the year of the elections reach the age of 18 have the right to participate in elections of deputies and to be elected, with the exception of the mentally deficient and persons deprived of electoral rights by the courts."

ARTICLE 136: The elections of deputies shall be equal: every citizen shall have one vote; all citizens shall take part in the elections on an equal basis.

Article 136 in the original draft read:

"Elections of deputies are equal: every citizen has the right to elect and be elected irrespective of race or nationality, religion, educational qualifications, residence, social origin, property status or past activity."

ARTICLE 137: Women shall have the right to elect and to be elected on equal terms with men.

ARTICLE 138: Citizens who are in the ranks of the Red Army shall have the right to elect and to be elected on equal terms with all citizens.

ARTICLE 139: The elections of deputies shall be direct: the elections to all the soviets of working people's deputies, beginning with the rural and city soviets of working people's deputies and up to and including the Supreme Soviet of the USSR shall be directly effected by citizens through direct elections.

ARTICLE 140: The voting at elections of deputies shall be secret.

ARTICLE 141: Candidates for elections shall be nominated by electoral districts.

The right to nominate candidates shall be ensured to public<sup>51</sup> organizations and societies of working people; Communist Party organizations; trade unions; co-operatives; organizations of youth; cultural societies.

ARTICLE 142: Every deputy shall be obliged to report to the electors on his work and on the work of the soviet of working people's deputies and may at any time be recalled by decision of a majority of the electors in the manner prescribed by law.

## CHAPTER XII

### EMBLEM, FLAG, CAPITAL

ARTICLE 143: The state emblem of the Union of Soviet Socialist Republics shall consist of a sickle and hammer on the globe of the earth depicted in rays of the sun and surrounded by ears of grain, with the in-

<sup>51</sup> "Social" in several versions.



scription: "Workers<sup>52</sup> of all lands unite," in the languages of the constituent republics. Above the emblem shall be a five-pointed star.

ARTICLE 144: The state flag of the Union of Soviet Socialist Republics shall be of red cloth with a sickle and hammer depicted in gold in the upper corner near the staff and above them a red five-pointed star bordered in gold. The ratio of the width to the length shall be one to two.

ARTICLE 145: The capital of the Union of Soviet Socialist Republics shall be the city of Moscow.

### CHAPTER XIII

#### PROCEDURE FOR AMENDING THE CONSTITUTION

ARTICLE 146: Amendments to the Constitution of the USSR shall be effected only by decisions of the Supreme Soviet of the USSR, adopted by a majority of not less than two-thirds of the votes in each of its chambers.

<sup>52</sup> Strictly, "proletarians." I follow the English slogan.

#### PRESIDIUM OF THE EIGHTH EXTRAORDINARY CONGRESS OF SOVIETS OF THE UNION OF SOVIET SOCIALIST REPUBLICS

N. Aitakov  
V. Akhun-Babayev  
I. Akulov  
A. Andreyev  
V. Bluecher  
S. Budyonny  
A. Chervyakov  
V. Chubar  
R. Eiche  
L. Kaganovich  
M. Kalinin  
N. Khrushchev  
A. Kiselev  
S. Kosior  
M. Litvinoff

P. Lyubchenko  
A. Mikoyan  
V. Molotov  
G. Musabekov  
G. Ordjonakidze  
G. Petrovsky  
P. Postyshev  
A. Rakhimbayev  
Y. Rudzutak  
N. Shvern timer  
J. Stalin  
D. Sulimov  
K. Voroshilov  
N. Yezhov  
A. Zhdanov

*The Kremlin, Moscow*

*December 5, 1936*

## CHIEF CHANGES FROM PREVIOUS SOVIET CONSTITUTIONS

### CHAPTER I

#### ARTICLES 1 TO 4:

The RSFSR Constitution of 1918 declared "the establishment (in the form of a strong Soviet government) of the dictatorship of the urban and rural workers, combined with the poorer peasantry, to secure the complete suppression of the bourgeoisie, the abolition of the exploitation of man by man, and the establishment of socialism."

The present Constitution assumes that these objectives have been obtained and declares that the USSR "is a socialist state of workers and peasants." Its political foundation is given as "soviets of working people's deputies," a much more conclusive term than earlier.

#### ARTICLES 5 AND 6:

The RSFSR Constitution of 1918 declared the abolition of private ownership of land "in order to establish the socialization of the land." It ratified the law on workers' control in industry and that on the Supreme Economic Council . . . "as a first step towards the complete transfer to the Workers' and Peasants' Soviet Republic of all factories, workshops, mines, railways and other means of production and transport." It "ratified the transfer of all banks" to the government.

The present Constitution expresses the completion of



those processes of which the 1918 Constitution was a first step.

## ARTICLES 7 TO 12:

All this detail regarding collective farm property and private property is absent from the first two Constitutions.

## CHAPTER II

## ARTICLE 13:

The present Constitution contains eleven constituent republics of which only one—the RSFSR—existed in 1918, and four—the RSFSR, the Ukraine, White Russia and Transcaucasia—in the 1924 Constitution. The Uzbek SSR and the Turkmen SSR were added at the end of 1924; the Tajik SSR in 1929, making seven.

The present Constitution dissolves Transcaucasia into three separate constituent republics—the Armenian, Georgian and Azerbaijan—and forms two new republics—the Kazak and Kirghiz. This means a considerable raising of status for many minor nationalities.

## ARTICLE 14:

The Constitution of 1924, passed at the beginning of the “new economic policy,” which permitted private trade and concessions to foreign capital, spoke of “laying the foundations of, and establishing a general plan for, the entire national economy of the Union, the definition of branches of industry . . . the conclusion of concessionary agreements.” It included also “the direction” of foreign trade and “the establishment” of a single monetary and credit system.

The present Constitution gives to the Union Govern-

ment “administration of banks, industrial and agricultural establishments, as well as trading establishments” and also “foreign trade on the basis of state monopoly.”

## CHAPTER III

The 1924 Constitution gave supreme power to the “All-Union Congress of Soviets” of some two thousand members indirectly elected and convening once a year. Between sessions power was vested in the Central Executive Committee of somewhat more than four hundred members in two chambers which convened three times a year. This, in turn, elected a Presidium which had “supreme legislative, executive and administrative” power in the interim.

The present Constitution vests the supreme power more simply and directly in the Supreme Soviet of slightly more than a thousand members, meeting twice a year, and consisting of two chambers roughly equal in number. Between sessions a Presidium of thirty-six members continues with strictly prescribed functions but without legislative power.

## CHAPTER V

## ARTICLES 70, 77, 78:

Contrast these eight All-Union Commissariats, ten Union-Republic Commissariats, and five Chairmen of Commissions—total twenty-three main departments—with the five All-Union Commissariats and six “Unified Peoples’ Commissariats” of 1924.

Of the former All-Union Commissariats—Foreign Affairs, War and Marine, Home and Foreign Trade,

Transport, Posts and Telegraphs—Transport has been divided into Railways and Water Transport; Home and Foreign Trade have become two separate Commissariats.

The former "Unified Peoples' Commissariats" were: Supreme Economic Council, which has given birth to Heavy Industry, Defense Industry, Food Industry, Light Industry, Timber Industry; Agriculture, which is now supplemented by State Grain and Livestock Farms; Labor, which is now abolished, its functions having been transferred to the trade unions; Finance, which remains; Workers' and Peasants' Inspection, now replaced by the Soviet Control Commission; Central Statistical Department, now replaced by the State Planning Commission. The present Commissariats of Justice and Health are a centralization of functions formerly performed locally. The functions of the OGPU, formerly an independent department to which a special chapter of the 1924 Constitution was devoted, are now included in the Commissariat of Home Affairs. The Committees on Agricultural Products, Art and Higher Education are completely new additions.

#### CHAPTER IX

The present Constitution gives greater independence to the courts than formerly. Under the 1924 Constitution, the Supreme Court, if faced with a conflict between the laws of a constituent republic and the Union, could only "appeal" to the Central Executive Committee to set this right. Now it has "supervision of the judicial activities of all judicial organs of the USSR and of the constituent republics."

Formerly the judges were appointed and removable

by the Central Executive Committee; now they are appointed for a fixed term of five years, i.e., longer than the life of the appointing body.

The Attorney-General is appointed for seven years and appoints all state and district attorneys, who are thus independent of local governments. Formerly similar independence was enjoyed by the OGPU but its functions went beyond those of investigation and prosecution to which the Attorney-General's office is limited.

#### CHAPTER X

The earlier Constitutions had no list of "basic rights and duties." The right to work did not appear since unemployment was not abolished until 1931. The right to rest and to material security were not included in earlier Constitutions although the eight-hour day, paid holidays and sickness insurance were introduced by law at an early stage. The Constitution of 1918 did not guarantee the right to education but "set before itself the task of providing for the workers and poorer peasants a complete, universal and free education."

Equal rights for women and for all nationalities were part of the earlier Constitutions.

"Freedom of religious and anti-religious propaganda" was recognized in the text of 1918 but was changed to the present formulation in the revised Constitution of the RSFSR of 1927.

Freedom of the press and of assembly were recognized in the Constitution of 1918; their material guarantees—printing shops, meeting halls and other technical resources—were transferred "to the working class and to the peasants." The present Constitution widens



this to include all "the working people and their organizations."

"Full liberty of association for the workers" was ensured in the Constitution of 1918, the government pledging itself to "lend to the workers and peasants all its material and moral assistance to help them to unite and organize themselves." The present Constitution defines the types of organizations which have arisen and specifically mentions the Communist Party.

"Inviolability of homes and secrecy of correspondence" were not guaranteed in previous Constitutions.

The right of asylum was granted in 1918 to "all foreigners persecuted for political and religious offenses." The present Constitution reads "for defending the interests of the working people or for scientific activity or for their struggle for national liberation," a clear indication of the historical changes which have taken place in world pressures.

In 1918 the "honor of bearing arms" was "granted only to the workers; the leisured sections of the population will fulfill other military duties." In the present Constitution all citizens are equal.

#### CHAPTER XI

##### ARTICLE 134:

According to previous Constitutions, deputies to the town and rural soviets were elected by the voters by a show of hands at meetings. Larger areas were governed by Congresses of Soviets elected by the lower soviets. In the All-Union Congress the cities were represented by one delegate for every 25,000 electors, and the provinces by one delegate for every 125,000 inhabitants.

The present elections are direct to both local and central governing bodies on an equal basis of representation and by secret ballot.

##### ARTICLE 135:

Previous Constitutions gave lists of disfranchised persons including those who employed others for the sake of profit—a category that no longer exists—clergy and former Czarist officials.

The present Constitution grants the suffrage to all citizens except the mentally deficient and persons condemned by law with deprivation of electoral rights.

#### CHAPTER XIII

The All-Union Congress of Soviets could change the Constitution by a majority vote.

Now a change requires two-thirds of the votes in each of the chambers of the Supreme Soviet.